

# **Discussion on the Possible Extension of Commuter Rail Service to Plaistow**

**Atkinson's Perspective**

**January 7, 2013**

Dear Commissioner Clement and fellow NH DOT representatives,

The following are a list of concerns from the Atkinson NH community regarding the proposed extension of the Massachusetts Bay Transit Authority (MBTA) line along with the layover facility to Plaistow NH. I have added appendices with pertinent supporting documentation for your review. I appreciate your time and consideration on this matter as it will adversely impact the residents of both Atkinson and Plaistow.

- The MBTA station in Haverhill MA is a mere 4 miles away. Train service is already available to the residents by making a short commute to Haverhill.
- The City of Haverhill and the MBTA have received complaints for years regarding the noise and pollution that the layover station brings to the abutting residents in Bradford.
- The MBTA produced a report (Appendix A) outlining several problems and solutions. “Problem 7” is listed as follows:
  - The Haverhill Line layover facility at Bradford creates noise pollution and localized air pollution in the midst of a densely developed residential neighborhood.
  - Propose Solution: Extend the Haverhill Line to a new station and layover facility north of downtown Haverhill (could be part of an extension to Plaistow and would decrease customer complaints about noise from the layover facility at Bradford, which opened in 1987).
- The MBTA is having both financial difficulties as well as capacity problems as outlined in several Boston Globe stories. Furthermore, considerations to scale back on service to address these issues are being explored. This would include night and weekend service bringing into question the utility of extending the line and taking on the unwanted layover facility.
- A count of cars parked in or near the Haverhill and Bradford stations bearing NH plates produced a total of 62 vehicles. This included vehicles within the MBTA parking lots along with vehicles parked on nearby roads (Appendix B). This brings into clear question the stated demand for rail into southern NH as the Haverhill station is a mere 4 miles away.
- In 2010, the MBTA was ordered by the courts to spend 2 million dollars to reduce harmful diesel locomotive emissions throughout their rail system. This was as a result of the EPA’s suit brought about after complaints from residents near the Widett Circle layover station and the Greenbush layover station (Appendix C). Note that the Greenbush layover station is supposed to be modern, clean, and quiet.

- Selectmen in the Town of Westminster MA are now fighting a layover station in their community after the MBTA pulled a classic bait and switch, reneging on promises that were made during the initial agreement (Appendix D). This speaks to their methods and mode of operation and shows that they are not an entity that is to be trusted.
- NH residents both in Atkinson and in Plaistow will have no direct representation since this is a Massachusetts entity and our elected representatives have no direct authority over the MBTA.
- The layover facility will impact several hundred of our residents directly and all of our residents indirectly. With the noise and pollution this will bring, the property values of Bryant Woods and surrounding areas will surely decrease meaning that other property owners will need to pay more in taxes to make up the difference. Those near the station will suffer both financial losses in the value of their homes along with loss in quality of life.
- The “successful” Down-easter line is struggling as ticket sales only support 60% or so of the needed revenue (Appendix E). This line requires 15 million to run and only takes in 8 million. There is a constant struggle to subsidize the 7 million that is left.
- During a meeting of PATAC where Plaistow Planning Board Chair Tim Moore took questions regarding the project, I asked about the economic benefits that would result of the line being extended as was touted in the Tiger 2 application. His answer boiled down to “intangibles”.
- The CMAQ designation for our region has recently been changed negating the need to address congestion mitigation. In fact the grant was awarded in part because of this designation.
- The NH DOT should consider the opportunity costs by investing in this project. Since no clear economic benefit can be detailed, it would be wise to review all potential projects to see which would best help NH from an economic standpoint. Both the widening of the I93 corridor and extending a spur to the Manchester Regional Airport would have real economic benefit. If NH DOT is to look for a project with a good ROI pertaining to rail, then the spur to the airport is clearly a better candidate than extending the MBTA line to Plaistow.
- A park and ride has been in place in Plaistow at the same location where the proposed train stop is and for the most part, this facility has failed. Where initially there had been three buses working out of this site, it is now down to one which transports riders to Newburyport where they change buses. Contrast that to the park and ride located off of exit 2 on I93. The ridership

there has steadily increased (Appendix F). This speaks to the lack of demand from this location.

- A portion of the proposed layover station site located at the old Westville Homes location is located in Atkinson. We were neither consulted nor informed of plans to put a layover station partially located in our Town. We, the Selectmen of Atkinson, are opposed to any effort to locate this facility within the Town of Atkinson and demand that any work toward this site be halted.
- The residents of Atkinson submitted a petition against the layover station (Appendix G). In fact, I ran on an anti-train platform this past March against 4 other candidates.
- The residents of Plaistow voted against accepting a layover station in their town (Appendix H), with 619 votes against, 308 votes for, and 227 votes asking for more information. Unfortunately the elected officials in Plaistow have to date ignored the will of their voters.

Thank you for your consideration,

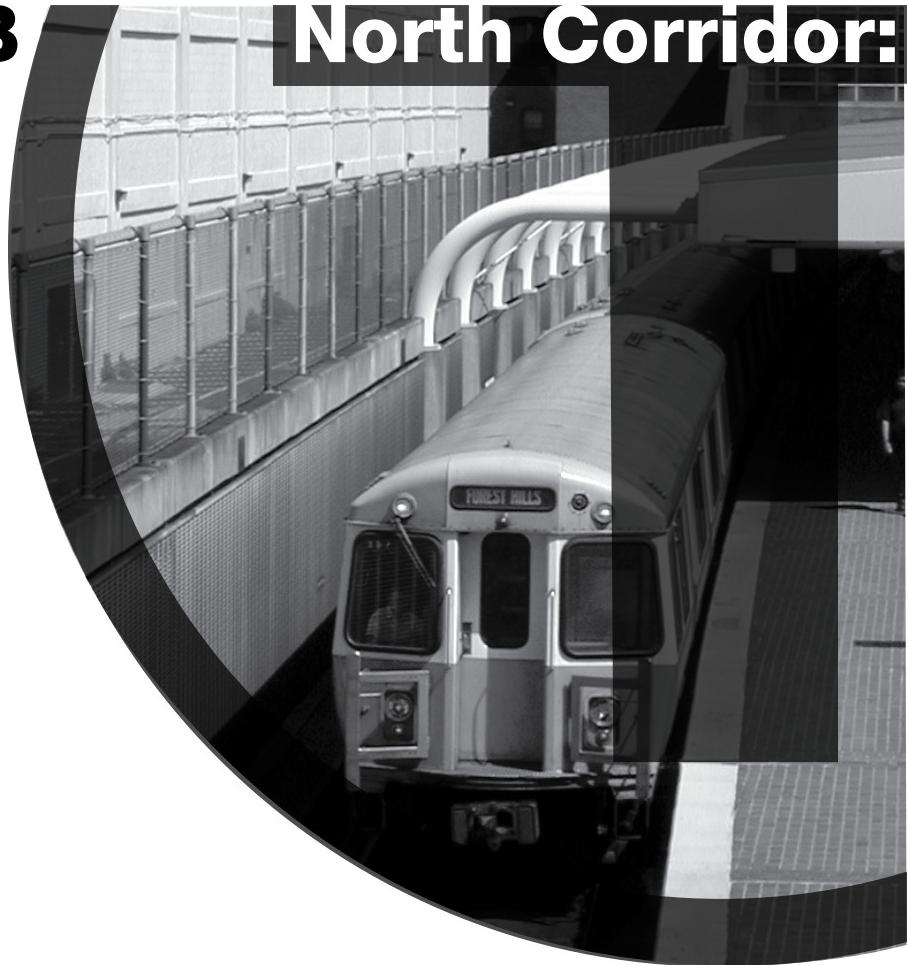
Todd Barbera  
Selectman – Atkinson NH

# **Appendix A**

# **Appendix B**

## **Mobility Problems and Proposed Solutions**

### **North Corridor:**



#### **BACKGROUND**

##### **EXISTING CONDITIONS**

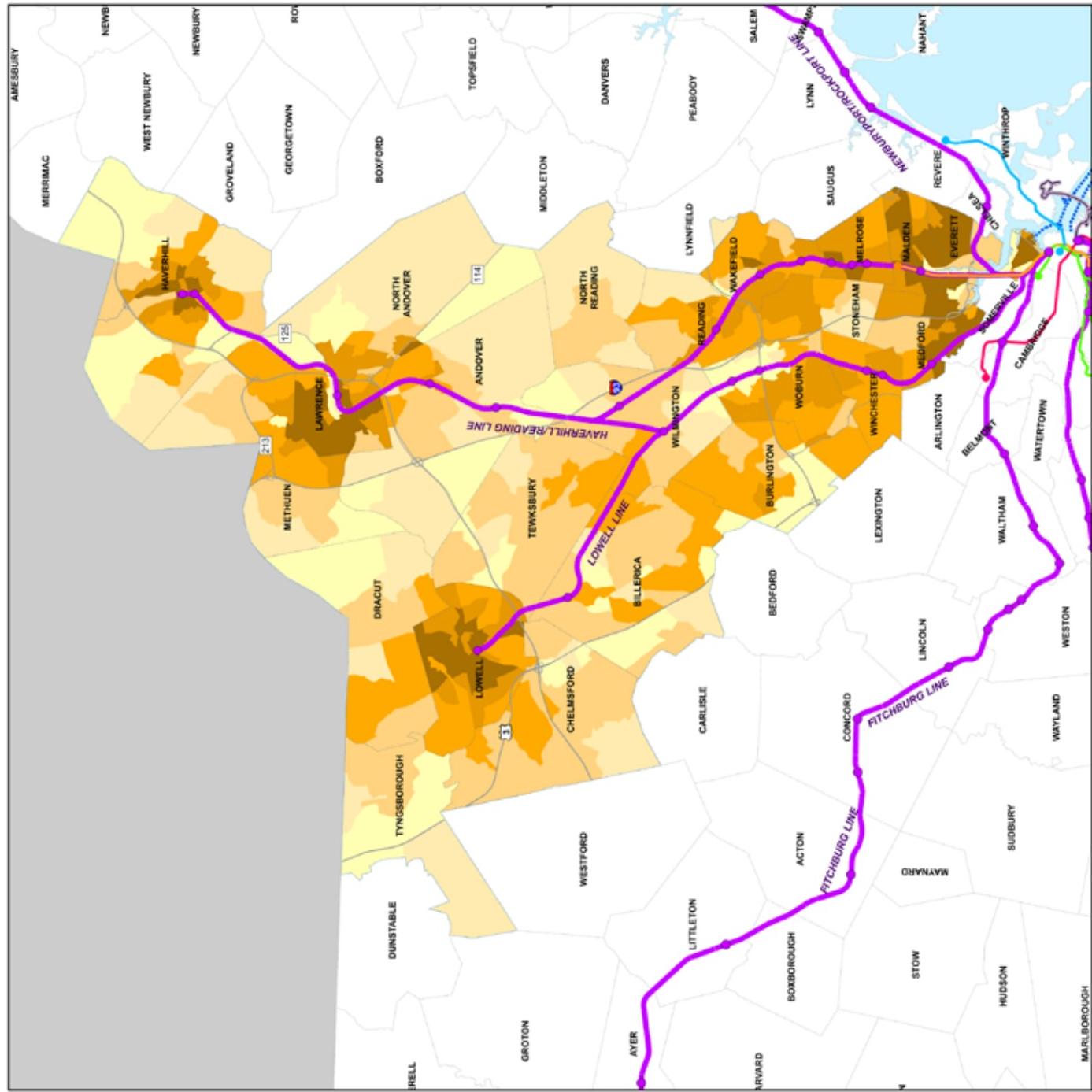
The North Corridor extends from the Charles River to New Hampshire. The corridor is anchored in the south by the Boston neighborhood of Charlestown and the densely populated cities of Everett, Malden, and Medford. In the north the corridor includes the three historic Merrimack River mill cities in Massachusetts: Lowell, Lawrence, and Haverhill. Altogether, there are 23 municipalities in the North Corridor.

MBTA services in this corridor include five stations on the Orange Line, 26 local and 7 express bus routes, and two commuter rail lines. Three of the Orange Line stations—Sullivan Square (in Charlestown), Wellington (in Medford), and Malden—are major bus hubs. There is substantial parking at Oak Grove, the end of the line, as well as at Sullivan Square and Wellington. Patronage at Community College Station, in Charlestown, is almost entirely walk-in or drop-off.

The express buses serve Woburn, Burlington, and parts of Medford, and terminate at points in Boston Proper. Some of the local bus routes anchored at the Orange Line stations offer circumferential connections to destinations in the Northeast or the Northwest Corridors. The local routes that radiate away from Boston add Winchester, Melrose, Stoneham, Wakefield, and Reading to the list of cities served in the North Corridor.

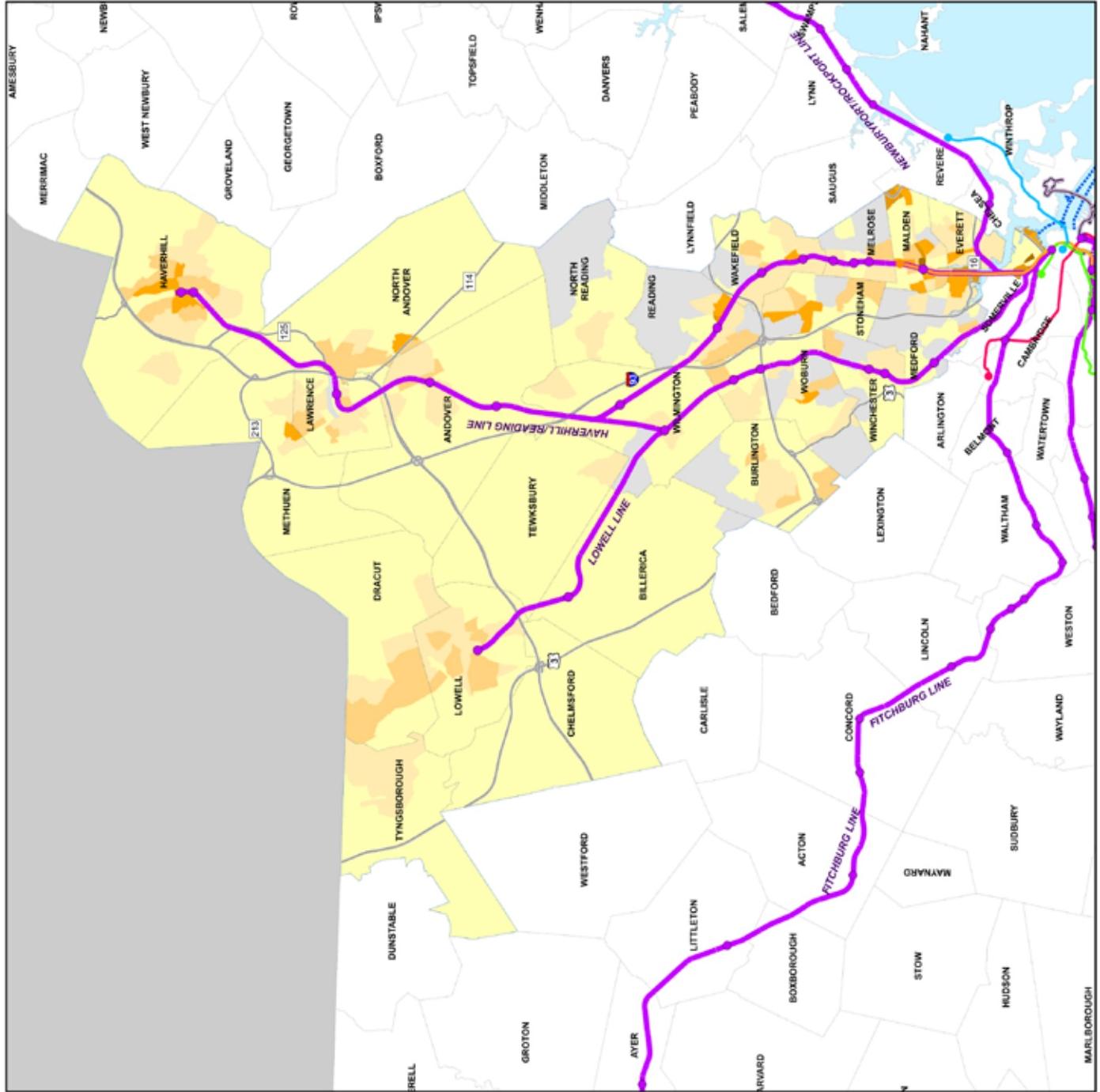
The Lowell and Haverhill commuter rail lines round out the MBTA services in the North Corridor. The Lowell Line has stops in Woburn, Winchester, and Medford, and the Haverhill Line has stops in Malden, Melrose, Wakefield, and Reading. All seven of these communities also have bus service, and in the case of Malden and Medford, Orange Line service as well. The Anderson Regional Transportation Center (RTC) in Woburn on the Lowell Line has the best freeway access of any commuter rail

**MAP B-1**  
**North Corridor**  
**of the MBTA Service Area**  
**Population Density, 2000**



## **MAP B-2 North Corridor of the MBTA Service Area**

### **Projected Change in Population Density from 2000 to 2030**



NORTH CORRIDOR



station and has ample parking, including some dedicated long-term parking for patrons of the Logan Express bus service.

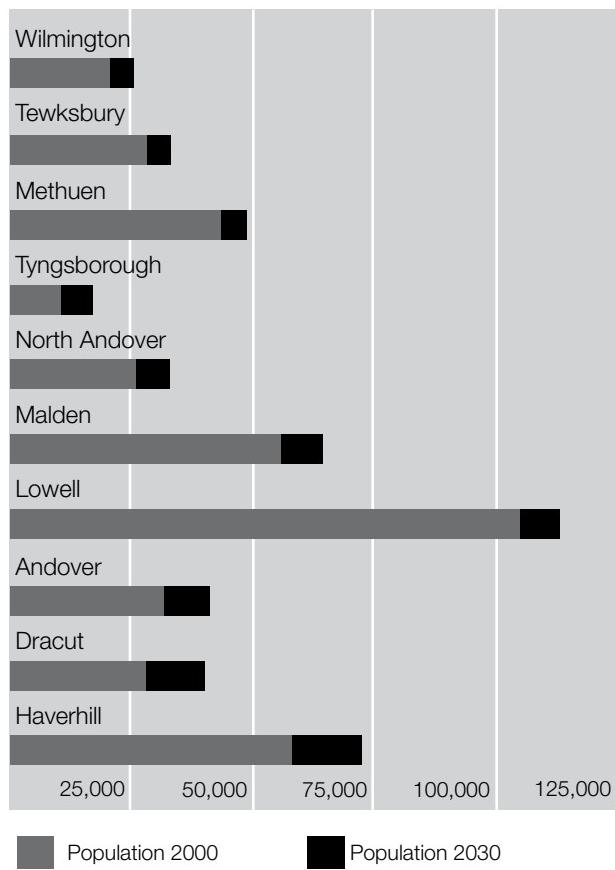
In addition to the MBTA, the Lowell Regional Transit Authority (LRTA) and the Merrimack Valley Regional Transit Authority (MVRTA) also provide public transportation services in the corridor. The LRTA operates 18 bus routes in the northern portion of the corridor which radiate from the commuter rail station in Lowell. One of these routes serves the Burlington Mall, where connections can be made to MBTA bus service. The MVRTA operates 23 routes in the northern portion of the corridor. Transfers between the LRTA and the MVRTA can be made at the Lowell Transit Center.

## POPULATION

The largest densely populated areas in the corridor are within Charlestown, Everett, Medford, and Malden, as well as in the cities of Lawrence, Haverhill, and Lowell, which are farther from the urban core (see Map B-1). Only small sections of several communities are projected to become significantly more densely populated between 2000 and 2030. These include parts of South Boston and Malden. In general, population density in the corridor is projected to remain relatively stable, with most communities experiencing moderate gains or losses (see Map B-2).

According to the U. S. Census, the corridor's year 2000 population was 843,901. This population is projected to increase by 14% to 960,599 by 2030.<sup>1</sup> More than one-third of the corridor's growth will occur in Tyngsborough, Dracut, Haverhill, and Andover, the latter two of which are directly served by MBTA commuter rail. Population in one third of corridor communities will remain fairly stable, increasing by less than 10% (see Figure B-1).

**FIGURE B-1**  
**North Corridor 2000-2030**  
**Population Growth: Top Ten Communities**  
**in Order of Increase**



Among the larger housing developments planned for the corridor are 500 units in the Haverhill 40R district, within walking distance of the Haverhill commuter rail station; the 650 units under construction at Station Landing in Medford; and the 550 units under construction at Oak Grove Village in Malden and Melrose, at the end of the Orange Line.

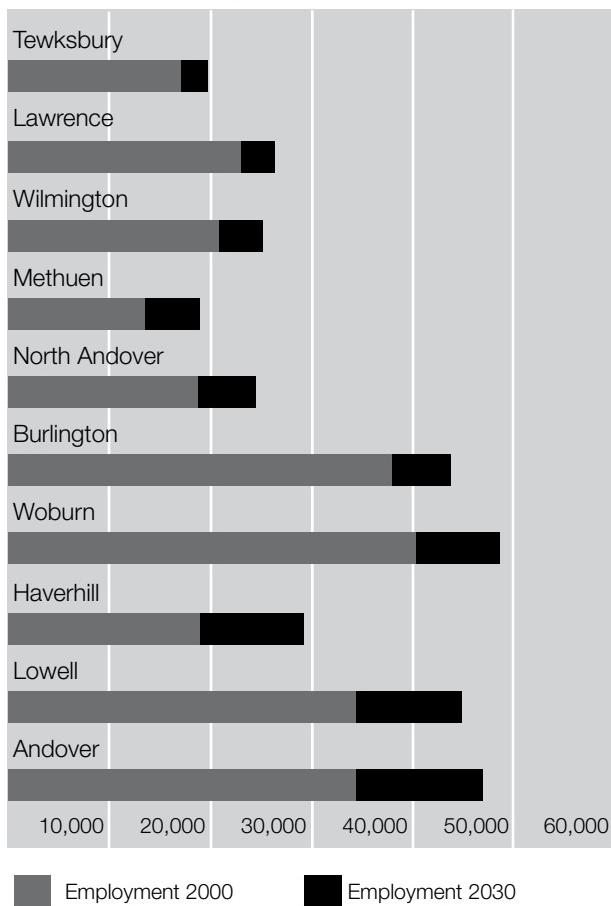
## EMPLOYMENT

The areas of dense employment are scattered throughout the corridor, but primarily in the communities closest to Boston, along commuter rail lines, and in older downtowns (see Map B-3). Increases in employment density between 2000 and 2030 are projected to occur mostly along Route 128, Route 495, and I-93 (see Map B-4).

<sup>1</sup> Metropolitan Area Planning Council (MAPC), Merrimack Valley Planning Commission (MVPC), and Northern Middlesex Council of Governments (NMCG) population and employment forecasts.

Employment in the corridor is projected to increase by 19% between 2000 and 2030, with most communities experiencing modest growth in absolute terms.<sup>2</sup> Everett and Malden are projected to experience minor employment losses, and more than half the corridor's growth will occur in Andover (16%), Haverhill (13%), Lowell (13%), and Woburn (11%). Woburn will continue to have the corridor's highest employment (see Figure B-2).

**FIGURE B-2**  
**North Corridor 2000-2030**  
**Employment Growth: Top Ten Communities in Order of Increase**



Two large employment developments currently proposed for the corridor include Lowell Junction, in Andover, Wilmington, and Tewksbury, and Osgood Landing, in North Andover. The Lowell Junction site proposal envisions 3 million square feet of commercial and industrial space. The mas-

<sup>2</sup> Ibid.

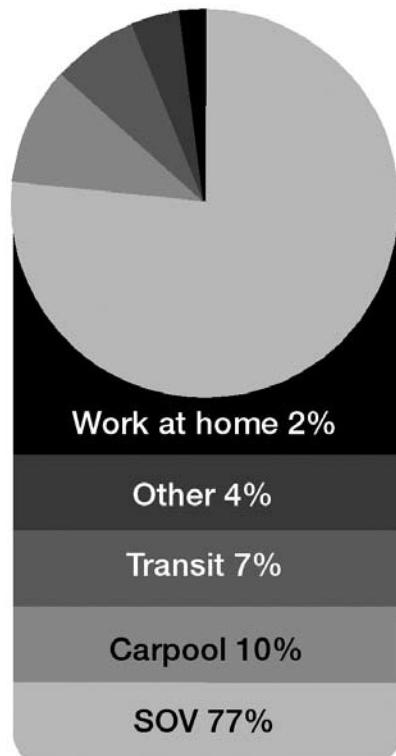
<sup>3</sup> Transportation Research Board, *Commuting in America III: The Third National Report on Commuting Patterns and Trends*, NCHRP Report 550, October 2006, p. 3.

ter plan for Osgood Landing calls for over 1 million square feet of industrial, office, and retail space.

## JOURNEY TO WORK

Nationally, work trips account for a small proportion—15%—of all trips.<sup>3</sup> Because most commuting occurs during peak travel times, work-trip volumes determine the capacity needs, as well as the performance, of highway and transit systems. In 2000, of all work trips that originated in the North Corridor, 77% were made in single-occupancy vehicles (SOVs), and 7% were made by transit (see Figure B-3).

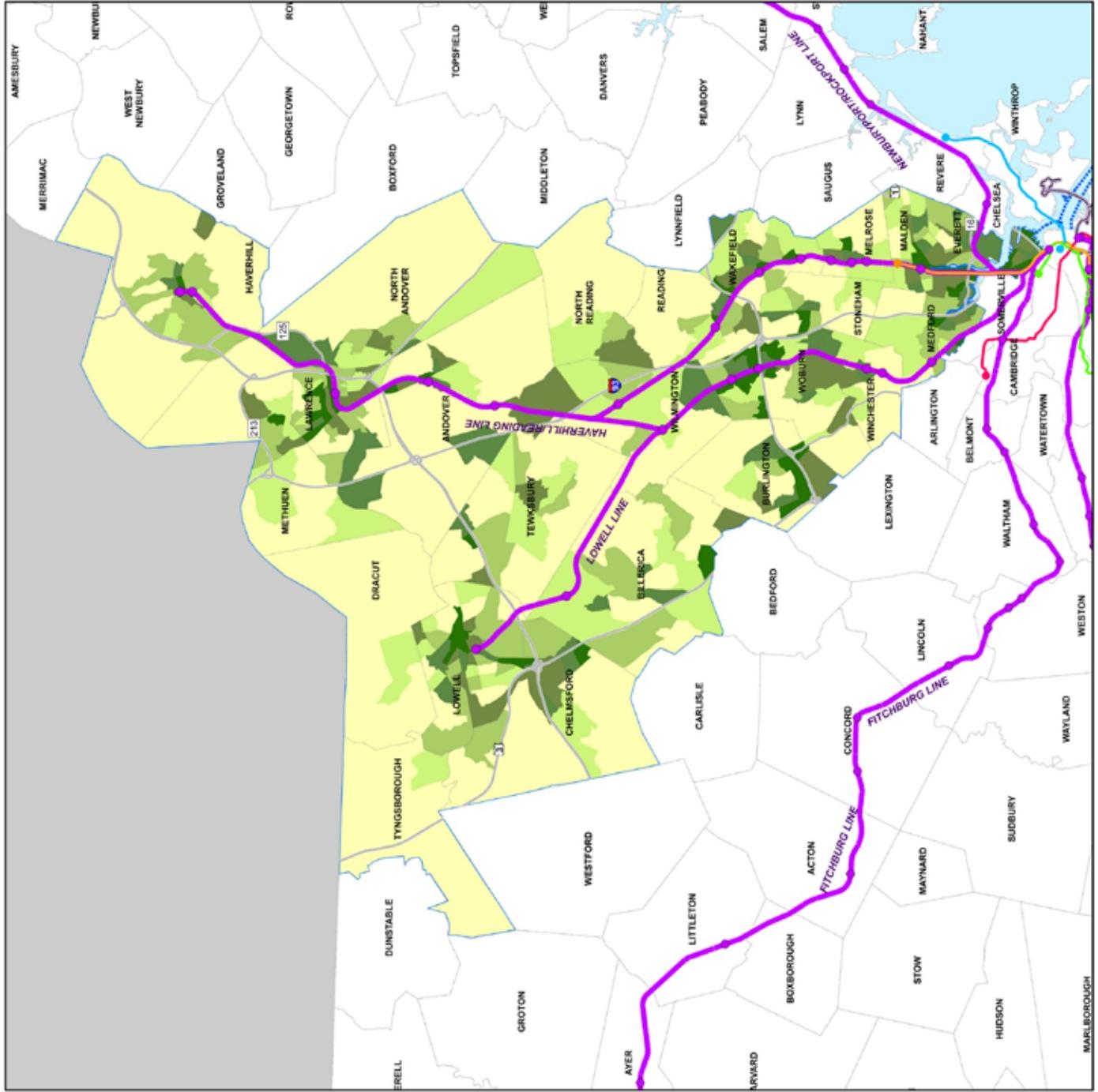
**FIGURE B-3**  
**2000 Travel Modes to Work by North Corridor Residents**



Most MBTA service is radially oriented towards Cambridge and Boston, which together are the destination for 10% of the work trips made by corridor residents. Of the corridor's work trips to Cambridge and Boston, 32% are made by transit. Medford, Melrose, and Everett originate 40% of the corridor's work trips to Cambridge and Boston (see Figure B-4.)

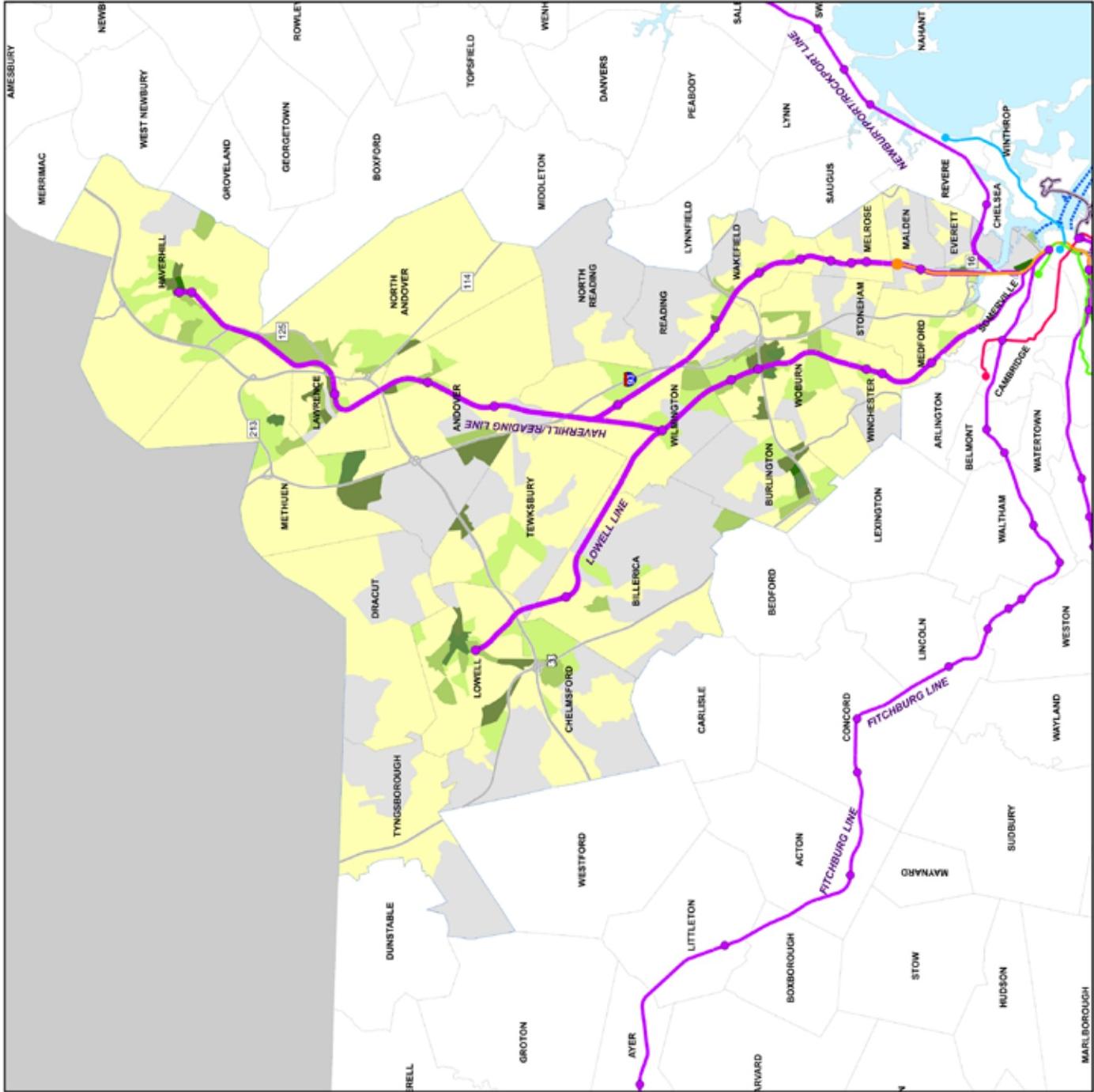
## **Employment Density, 2000**

### **MAP B-3 North Corridor of the MBTA Service Area**



## **MAP B-4 North Corridor of the MBTA Service Area**

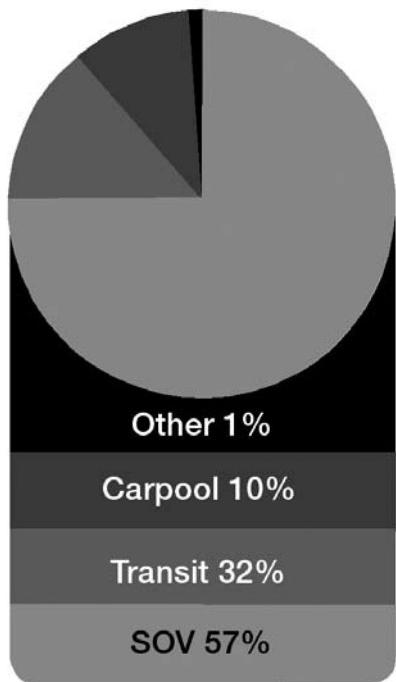
## Projected Change in Employment Density from 2000 to 2030



NORTH CORRIDOR



**FIGURE B-4**  
**2000 Travel Modes to Work**  
**by North Corridor Residents**  
**to Boston and Cambridge**



## TRAFFIC CONGESTION

The main radial highways in this corridor are Route I-93 North, which runs from the New Hampshire border with Methuen to and through downtown Boston, and U.S. Route 3, which runs as a limited-access highway between the New Hampshire border and Route 128. To continue to Boston, vehicles must travel a few miles in either direction on Route 128 to reach another limited-access connection. (Some unlimited-access roads are designated as Route 3 between Route 128 and Boston.)

AM peak-period southbound travel speeds are in the 30 to 44 mph range over much of the segment of I-93 between I-495 and Route 128. There is also heavy congestion on I-93 in the last few miles approaching Boston, with average speeds there dropping to below 30 mph.

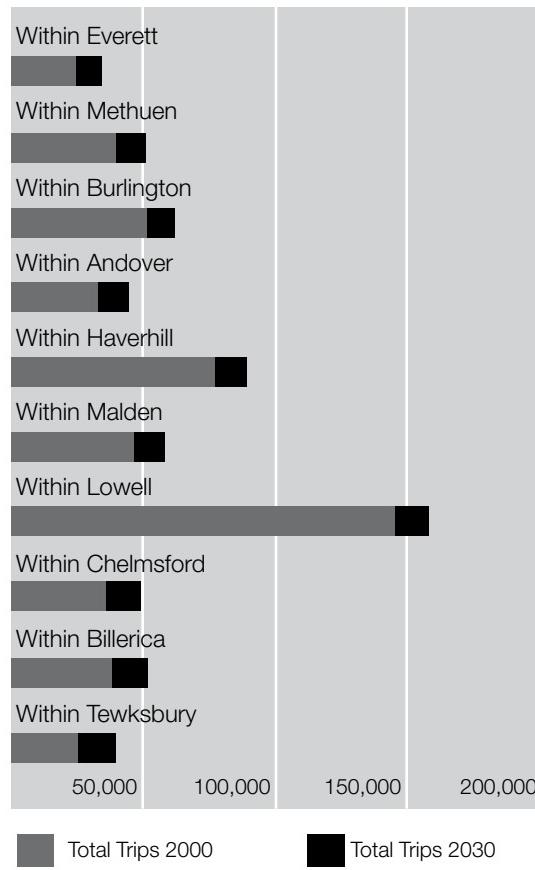
## TRAVEL PROJECTIONS

The CTPS regional travel-demand model provides estimates of current travel volumes and projections of future travel volumes for all major modes: auto, transit, and walk/bike. A useful way of tracking

travel growth patterns is to look at the change in travel between pairs of municipalities, to include trips beginning and ending in the same municipality. By 2030, there are 50 travel pairs in the Northeast Corridor, with projected increases of at least 1,000 two-way trips per day. The projected travel volume increase for these 50 pairs is 224,556 trips per day (approximately 18%).

Of the 50 pairs with projected travel volume increases of over 1,000, 20 are for trips that begin and end within one municipality, and 26 are between adjoining municipalities. Interestingly, the largest increases in the corridor are for trips made entirely within Tewksbury (13,505), within Billerica (12,959), within Chelmsford (12,906), within Lowell (12,590), within Malden (11,845), within Haverhill (11,803), within Andover (11,577), within Burlington (10,789), within Methuen (10,343), and within Everett (9,366). (See Figure B-5.)

**FIGURE B-5**  
**North Corridor Trip Increases 2000 - 2030:**  
**Top Ten in Order of Increase**



At present, transit coverage within the North Corridor varies among communities, with those nearest to Boston having the most extensive coverage. Of the top 10 projected trip increases, 7 are in municipalities that have local bus service provided by the Lowell Regional Transit Authority (LRTA) or the Merrimack Valley Regional Transit Authority (MVRTA), but not by the MBTA. Two others (Malden and Everett) have extensive MBTA local bus route networks. Burlington has some bus service provided or funded by the MBTA and some provided by the LRTA.

The model also projects increases of over 1,000 daily trips between points in the Northeast Corridor and points in other PMT corridors, including 7 with the Northeast Corridor and 10 with the Northwest Corridor. The largest increases are between Somerville and Charlestown (2,835), between Burlington and Lexington (2,833), between Bedford and Billerica (2,539), and between Lexington and Woburn (2,241). The projected increases for the other 13 pairs are below 2,200 each.

## **ENVIRONMENTAL JUSTICE**

The federal government defines environmental justice (EJ) as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, education level, or income with respect to the development, implementation, and enforcement of environmental laws. The MBTA monitors EJ through implementation of and reporting for Title VI of the Civil Rights Act of 1964.

The North Corridor encompasses Boston's densely populated neighborhood of Charlestown, part of which is classified as a minority area for Title VI. Five other municipalities in the North Corridor—Everett, Malden, Medford, Lowell, and Lawrence—contain census tracts that are classified as minority. Lowell and Lawrence have tracts that are classified as both minority and low-income.

Thirty-three bus routes run through this corridor; 10 are classified as minority, one is classified as low-income and one is both minority and low-income.

A portion of the Orange Line runs through this corridor. There are four Orange Line stations in this corridor, two of which meet the minority station criterion.

Both the Lowell and Haverhill commuter rail lines operate in this corridor. Four commuter rail stations in this corridor meet the minority station criterion; one meets the criteria for both minority and low-income.

## **MOBILITY PROBLEMS AND PROPOSED SOLUTIONS**

### **CAPACITY IMPROVEMENTS ARE NEEDED**

Investments will be needed to ensure that sufficient capacity is available to serve current and projected travel demand.

#### **Problem 1:**

Malden had the fifth-highest total number of intracity trips in the corridor in 2000 (46,365), and is projected to have the fifth-largest increase in trips within any single municipality in the corridor by 2030. However, Malden's transit mode share is comparatively low, despite a robust bus and rail network.

#### *Proposed Solutions:*

- Strengthen the identity of common service corridors associated with major employment, residential, or other activity hubs by consolidating services, providing real-time customer information, and enhancing bus stop facilities.
- Create a busway and operate bus-rapid-transit (BRT) service in the existing rail right-of-way parallel to Salem Street from Linden Square to Malden Center.

#### **Problem 2:**

The Orange Line is currently overcrowded during peak hours between Downtown Crossing and North Station.

#### *Proposed Solution:*

Purchase additional Orange Line cars, increase storage capacity, and improve electrical capacity so that more frequent service can be operated.

### **Problem 3:**

By 2030, modeling projections suggest that one bus route in the North Corridor (Route 132) will be projected to experience passenger crowding levels that would trigger the need for additional service.

#### *Proposed Solution:*

To increase peak-period capacity and to ensure that crowding does not exceed safe and comfortable levels, one additional 40-foot bus will be required to operate this route.

### **Problem 4:**

Medford currently displays high trip volumes to Somerville and to Boston; however, these trips are not served by rapid transit (Wellington Station serves the east side of Medford directly).

#### *Proposed Solutions:*

- Extend the Green Line to Medford.
- Add an Orange Line station at Assembly Square.

### **Problem 5:**

Very densely populated areas in Everett, which currently generate significant numbers of trips into the urban core, do not have access to rapid transit service.

#### *Proposed Solution:*

Create BRT service to Glendale Square in Everett from Sullivan Station via Broadway, or from Wellington Station via Revere Beach Parkway and Broadway (integrate with Urban Ring).

### **Problem 6:**

During the morning peak period, Boston-bound commuters experience reduced travel speeds and increased travel times on I-93 and Route 128.

#### *Proposed Solutions:*

- Extend commuter rail from Haverhill to Plaistow, NH.
- Extend commuter rail from Lowell to Nashua.

### **Problem 7:**

The Haverhill Line layover facility at Bradford creates noise pollution and localized air pollution in the midst of a densely developed residential neighborhood.

#### *Proposed Solution:*

Extend the Haverhill Line to a new station and layover facility north of downtown Haverhill (could be part of an extension to Plaistow and would decrease customer complaints about noise from the layover facility at Bradford, which opened in 1987).

### **Problem 8:**

A major commercial and residential development at Assembly Square that has been proposed could create additional burdens for an already congested area road/highway system.

#### *Proposed Solution:*

Add an Orange Line station at Assembly Square.

### **Problem 9:**

Proposed projects adjacent to the Haverhill Line that promote smart growth and economic development should be supported.

#### *Proposed Solution:*

Build a new station in North Andover or Andover.

## **ACCESS TO MBTA SERVICES NEEDS TO BE IMPROVED**

### **ADA ACCESSIBILITY**

#### **Problem:**

Although the MBTA has made strides toward providing ADA accessibility to all of its services, some gaps still remain. Winchester, Wedgemere, and West Medford stations, on the Lowell Line, and North Wilmington, Wakefield, Greenwood, Melrose Cedar Park, and Wyoming Hill on the Haverhill Line, have not yet been made accessible.

#### *Proposed Solution:*

Based on the feasibility of construction, the following stations are a priority for near-term accessibility improvements (see Table B-1):

**TABLE B-1**  
**North Corridor**  
**Station Accessibility Priorities**

LINE	STATION	PRIORITY
<b>Haverhill</b>	North Wilmington	Low
	Wakefield	Medium
	Greenwood	Low
	Melrose Cedar Park	Low
	Wyoming Hill	Low
<b>Lowell</b>	Winchester	Medium
	Wedgemere	Low
	West Medford	Medium

## STATION PARKING

### Problem 1:

Access to rail transit services for customers of all abilities is constrained by the availability of parking, both for automobiles and for bicycles. An inventory of station parking that was completed during the fall of 2005 and winter of 2006 shows that parking at the following stations (see Table B-2) is utilized at 85% of capacity or greater.<sup>4</sup>

**TABLE B-2**  
**North Corridor**  
**Station Parking at 85% Usage or Greater**

LINE	STATION
<b>Haverhill</b>	Haverhill
	Andover
	Ballardvale
	North Wilmington
	Reading
	Wakefield
<b>Lowell</b>	Greenwood
	Wilmington
	Winchester
	North Billerica
<b>Orange</b>	Wedgemere
	Malden
	Oak Grove
<b>Express Bus</b>	Sullivan Square
	Woburn

### Proposed Solution:

The MBTA can address inadequate parking capacity either by increasing the number of spaces or controlling demand through measures like raising the price of parking overall or installing automated parking fee collection at MBTA lots to allow for congestion pricing and to improve enforcement of parking regulations.

When evaluating expansion of parking, the availability of MBTA-owned land, the potential cost of acquiring nearby land, and the potential cost of a multilevel structure are all important considerations. Based on these and other feasibility criteria, the following stations have potential for expansion of MBTA parking: Andover and Ballardvale on the Haverhill Line, and North Billerica on the Lowell Line.

### Problem 2:

For some customers, access to rail services is constrained by the lack of bicycle parking. A recent study provided a detailed inventory of bicycle amenities, by MBTA station, that included the location, number, and condition of bike racks, bike rack shelters, and signage directing cyclists to them. The study also noted that at some stations where bike racks were provided, cyclists did not utilize the racks, but parked their bikes elsewhere.<sup>5</sup>

### Proposed Solution:

The study recommended that the MBTA continue to expand bicycle parking at stations; however, the MBTA does not currently have a standard for determining what the appropriate number of spaces would be for each station. The study therefore also recommended that the MBTA adopt a standard for providing bicycle parking spaces at transit stations.

In instances where bikes were parked at locations other than at bike racks that were provided,

4 Fjalkowski, Jared, and Ostertog, Heather, *Inventory of Park-and-Ride Lots at MBTA Facilities*, Central Transportation Planning Staff, February 27, 2007.

5 Fjalkowski, Jared, and Yaitanes, Justin, *2005–2006 Inventory of Bicycle Parking Spaces and Number of Parked Bicycles at MBTA Stations*, Central Transportation Planning Staff, October 2, 2007, Table 6.

the study made recommendations, based on the type of problem observed, including:

- The rack was in an inconvenient location (e.g., far from the platform)
- The rack was not sheltered from the weather
- The rack was in a secluded location that was difficult to find or might encourage theft
- The rack was damaged or difficult to use

The following specific improvements (Table B-3) are recommended for stations at which existing bike racks were not used.<sup>6</sup>

**TABLE B-3**  
**North Corridor**  
**Bicycle Parking Improvements**

LINE	STATION	BICYCLE PARKING ENHANCEMENT RECOMMENDATION
<b>Orange</b>	Oak Grove	Provide shelter for existing racks.
<b>Haverhill</b>	Bradford	Install signs directing bicyclists to racks.
	Andover	Relocate existing racks to sheltered area.
<b>Lowell</b>	Lowell	Install additional racks in sheltered area.
	Winchester Center	Relocate one rack to location visible from the street.

## **CONNECTIONS WITH OTHER RTAs**

### **Problem:**

The North Corridor is served by two Regional Transit Authorities that provide connections to MBTA services. The Lowell Regional Transit Authority (LRTA) operates from a commuter rail terminal and provides many good connections to MBTA rail services. The Merrimack Valley Regional Transit Authority (MVRTA), however, provides very few opportunities to make transfers between the bus routes and the commuter train.

In this corridor, the MVRTA operates nine routes that serve Haverhill, originating at the Washington Square Transit Station in downtown Haverhill, about 0.2 miles from the Haverhill commuter rail station. Of these, only two routes run directly past the station. Some trips on each of these routes provide very close connections with commuter trains. MVRTA also operates one route that makes a route deviation on request to the Bradford commuter rail station on outbound trips from Haverhill.

MVRTA operates 13 routes that originate in downtown Lawrence at the Buckley Transportation Center, which is about one-half mile from the Lawrence commuter rail station in South Lawrence on the other side of the Merrimack River. Only 1 of these bus routes serves Lawrence Station directly, and the departure times on this route do not coordinate well with train schedules.

The MVRTA also operates the Andover Shuttle, which runs past the Andover commuter rail station and provides a close connection with one inbound AM peak-period train, and one outbound PM peak-period train.

The LRTA operates 17 routes that radiate from the Lowell commuter rail terminal and an Express Shuttle that provides connections to downtown Lowell. If the buses and trains run on schedule, some local bus trips would provide very close connections. The Express Shuttle runs about every 10 minutes, making it possible to plan close connections between downtown Lowell and the trains. One LRTA route also stops at the North Billerica commuter rail station, but connections at this point are generally not convenient. Two LRTA routes extend to Burlington, where some connections to MBTA bus Routes 350, 351, and 352 are possible.

Although both the Merrimack Valley Regional Transit Authority (MVRTA) and the Lowell Regional Transit Authority (LRTA) serve the North Corridor, current schedules provide few close connections between RTA and MBTA services. In general,

<sup>6</sup> Ibid.

RTA bus routes do not function well as commuter rail feeders, as they serve different purposes and populations. Most RTA routes provide local service on even headways, while commuter rail provides long-distance commuter service and operates on uneven headways due to a number of equipment and operational constraints. In addition, because RTA routes have frequent stops and many do not provide direct service to stations, using them to access stations is much slower than driving.

#### ***Proposed Solution:***

Adjusting the RTA services to meet the commuter rail schedules would inconvenience customers making local trips. Changing the commuter rail schedules to coordinate with RTA services would require significant capital and operating costs without significantly improving service for most commuter rail riders. The best solution, therefore, would be to create specific RTA feeder services to commuter rail. It is recommended that as demand for commuter rail feeder service increases, the MBTA work with the MVRTA and LRTA to select one or more stations on commuter rail routes in the corridor and to determine the number and alignment of routes that would be required to provide adequate feeder services.

### ***REVERSE-COMMUTE SERVICE***

#### ***Problem:***

In the North Corridor, there is some potential for reverse-commute service between residential areas of Boston and employment sites in Woburn near the Anderson/Woburn Station on the Lowell Line.<sup>7</sup> To attract sufficient riders to justify such service, bus or van connections from the station to employment destinations along Route 128 would need to be provided.

#### ***Proposed Solutions:***

- The MBTA should work with the Route 128 Business Council TMA (transportation management association) to provide shuttle service to commuter rail.
- Expand reverse-commute options by adding outbound AM-peak and inbound PM-peak commuter rail trips

### ***INFRASTRUCTURE ENHANCEMENTS ARE NEEDED***

#### ***Problem:***

In order to continue to maintain and improve service quality as demand grows and as technologies and materials improve, the MBTA will need to continually invest in infrastructure enhancements.

#### ***Proposed Solution:***

Some of the enhancement projects that have been identified as future needs are identified in Table B-4.

<sup>7</sup> Humphrey, Thomas J., *MBTA Reverse Commuting Study*, Central Transportation Planning Staff, May 2001, pp. ES-2 and ES-5.

**TABLE B-4**  
**North Corridor**  
**Infrastructure Enhancement Projects**

<b>COMMUTER RAIL</b>	
<b>ASSET CATEGORY</b>	<b>PROJECT DESCRIPTION</b>
Facilities	Midday layover and additional track storage at the Boston Engine Terminal.
Track/right-of-way	Double track the Wildcat Branch connecting the Lowell and Haverhill Lines.
<b>LOWELL LINE</b>	
<b>ASSET CATEGORY</b>	<b>PROJECT DESCRIPTION</b>
Facilities	Construct a layover facility near the Lowell Line terminus to eliminate the need for inefficient deadhead moves from Boston Engine Terminal at the start of daily operations.
Power	Install a transformer containment yard at Mystic Junction on the Lowell Line, 0.13 miles north of Washington Street in Somerville.
Signals	Complete the Traffic Control System (TCS) signal system upgrade on the Lowell Main Line between Wilmington Interlocking and Shop Interlocking.
Signals	Complete a Traffic Control System (TCS) signal system upgrade on the Lowell Line between Somerville Junction and Winchester.
Track/right-of-way	Eliminate the Bleachery Interlocking, including relocating Guilford's train operations from Lowell to Lawrence, removing crossovers between the MBTA's New Hampshire Main Line operations and Guilford's Lowell Branch, relocating one crossover, and removing four other crossovers. By moving a large amount of track and signaling equipment beyond the Lowell commuter rail station, redundancies would be eliminated and the rail line would be improved.
Track/right-of-way	Rehabilitate the Montvale facility.
<b>HAVERHILL LINE</b>	
<b>ASSET CATEGORY</b>	<b>PROJECT DESCRIPTION</b>
Signals	Implement signal improvements on the Haverhill Line to enhance train throughput, including the design and installation of a power switch at Ash Street in Reading and the redesign of Wilmington Junction Interlocking as a universal crossover between the Wildcat Branch and the Haverhill Line tracks.
Signals	Upgrade the signal system to a modern bi-directional Centralized Traffic Control System (TCS) on the Haverhill Line from Andover Street to Rosemont.
Signals	Install cross over/signal system at Lawrence.
Track/right-of-way	Add double track to the Haverhill Line between Lowell Junction and the Frey interlocking in Andover to reduce delays and improve the flexibility of scheduling both passenger and freight trains.
Track/right-of-way	Extend the Haverhill Line double track north through Reading Station. The extension would allow trains turning at Reading to be held clear of passing trains, thus reducing delays and freight conflicts.
Track/right-of-way	Construct second platform and connection to McGovern Intermodal Center in Lawrence Station.

## A STATE OF GOOD REPAIR NEEDS TO BE ACHIEVED

### Problem:

A number of system preservation projects must be addressed in the short- to mid-term to bring the system into a state of good repair and to ensure the safety of passengers and reliability of service.

On the commuter rail system, a number of bridges are currently rated as structurally deficient, including one on the Lowell Line and six on the Haverhill Line. The MBTA's state fiscal year 2009–2012 Capital Investment Program (CIP) includes funding for design and rehabilitation of three of the Haverhill Line bridges.

On the Orange Line, power substation buildings

and equipment are in need of replacement at Oak Grove, Malden, and Wellington, and upgrades are needed at all north-side Orange Line stations to improve passenger areas. Also on the Orange Line, the power system needs to be upgraded and the concrete support pedestals that support the third rail, as well as part of the third rail itself, need to be replaced. In addition, new Orange Line cars must be purchased, so that the 1979–1981 fleet can be retired.

The Wellington Orange Line maintenance facility is in need of renovations.

### Proposed Solution:

Some of the specific projects needed to bring the system into a state of good repair and maintain it in that condition include:

**TABLE B-5**  
**North Corridor**  
**State-of-Good-Repair Projects**

BUS	
ASSET CATEGORY	PROJECT DESCRIPTION
Maintenance	Replace existing compressors with new compressors and air dryers at the Charlestown Bus Repair Garage.
Maintenance	Install new gas-fired boiler system at Charlestown buildings No. 2 and No. 3.
Maintenance	Replace the rooftop and air conditioning system at Charlestown.
ORANGE LINE	
ASSET CATEGORY	PROJECT DESCRIPTION
Maintenance facilities	Renovate the Orange Line Wellington facility. Add a second rinse unit and construct a separate storage facility for non-revenue vehicles.
Power	Refurbish the Orange Line substation buildings and replace all the internal operating equipment for substations at Wellington, Malden, and Oak Grove. Upgrade power substations at Oak Grove, Malden, Wellington, Wellington Shop, Sullivan Square, Community College, and North Station.
Power	Install negative return cables from substations to track along the Orange Line.
Power	Install AC cable and DC breakers along the Orange Line.
Power	Upgrade the DC negative return system on the Orange Line.
Revenue vehicles	Procure new cars to allow the retirement of the No. 12 fleet.
Track/right-of-way	Replace concrete support pedestals that support the third rail on the Orange Line with 4,000 new blocks of treated wood. Replace approximately 2,000 feet of third rail in Orange Line station areas.
Track/right-of-way	Rebuild Orange Line track structures and replace yard turnouts in Wellington Yard.
COMMUTER RAIL	
ASSET CATEGORY	PROJECT DESCRIPTION
Bridges	Reconstruct Merrimack River Bridge (which currently has a 5 mph speed restriction) on the Haverhill Line.
Track/right-of-way	Replace 5.6 miles of 112-pound and 115-pound type rail on track between Winchester and Mishawum, a track segment used by both the Lowell and Haverhill lines.

# **Appendix B**

# **TOWN OF ATKINSON**

## **REPORT OF THE COMMUTER RAIL INVESTIGATORY COMMITTEE**

**Submitted May 2, 2011**

## SUMMARY

For at least 20 years, Plaistow town officials have sought to revive passenger rail transportation, connecting the town to the MBTA's Haverhill Line. For at least 25 years, the people in Bradford, Mass., who live near the MBTA's overnight layover facility have complained of diesel fumes, vibrations, and noise as late as 1:00 a.m. and as early as 3:45 a.m., continuing until about 9:00 a.m. Plaistow and the MBTA have hit upon a mutual solution: The MBTA will extend service from Haverhill to Plaistow if the town will accept the relocated layover station which nobody wants.

Plaistow readily agreed to the move and to the location chosen by the MBTA, at the former Westville Homes manufacturing site on Blossom Road in Plaistow. About 45 Plaistow homes and about 120 Atkinson homes lie within a half mile. The site is beside the Bryant Brook Wetland, designated a "prime" wetland by the voters of Atkinson. Other sites for the layover are available, including the Chart Industries land beside the proposed passenger station and an industrial park site off Hilldale Avenue in Haverhill, but they have all been rejected.

The project's supporters include the N. H. Department of Transportation and the Rockingham Planning Commission. They, with the Town of Plaistow, claim that, in its first year, a train station in town will reduce traffic on Rt. 125 by 1-2.5%. They offer that minute reduction as a sufficient public benefit to justify moving a public nuisance to a place where it will affect 150-200 homes, reducing their value. The noise of idling trains in the middle of the night, every night, will affect the sleep and health of perhaps 300-400 people, mostly in Atkinson, many of them elderly.

Plaistow has a federal grant to begin preliminary studies for the project, although expenditures require the permission of the Executive Council. The town has not acquired full funding for the project. Ultimately, the legislatures of New Hampshire and Massachusetts will be asked to approve an operating agreement.

At the end of this report, the Committee recommends that the Board of Selectmen and other town officials take certain concrete and immediate steps to influence the process to protect the health and welfare of the people of Atkinson.

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I  
Introduction

The Atkinson selectmen appointed this committee in November, 2010 to study the positive and negative features of Plaistow's commuter rail proposal from an Atkinson perspective. Here is the sequence of events that led to the committee's formation:

On August 24, 2010, the Lawrence Eagle-Tribune announced that a \$19 million grant application had been filed with the U.S. Department of Transportation (USDOT) to fund both commuter rail service between Plaistow and Haverhill and the removal to Plaistow of the overnight layover facility now located in the Bradford section of Haverhill, Mass. The applicant was the N.H. Department of Transportation (NHDOT). Signing as "cooperating agencies" were the Massachusetts Bay Transportation Authority (MBTA), the Town of Plaistow and the Rockingham Planning Commission (RPC). The federal grant program was known as TIGER II (Transportation Investment Generating Economic Recovery, second round of discretionary grants).

The application called for the passenger station to be located on Westville Road beside the current Park and Ride lot. The layover facility was proposed for the former Westville Homes manufacturing site at 21 Blossom Road, Plaistow.

The layover site is very close to the Atkinson line and beside the Bryant Brook wetland, which Atkinson has designated as a "prime" wetland. The site is approximately 300 feet from the nearest homes in Plaistow and about 1600 feet from the nearest Atkinson homes. The latter are in the Bryant Woods condominium development, on Robie Lane, and on Indian Ridge Road. In total, approximately 28 homes in Plaistow are within a quarter mile and at least 120 homes in Atkinson are within a half mile of the proposed layover site. The grant application stated that only "limited" residential development was in the area.

The news story was the first time that Atkinson residents and most Atkinson public officials had heard about the preferred location of the layover facility. Plaistow officials have said that the project was presented to the RPC, of which Atkinson is a member, but no Atkinson representative was present. Neither Plaistow officials, the RPC or NHDOT directly notified Atkinson officials or affected local residents about the proposal. Earlier press coverage had suggested that the layover would be moved where it would not affect residences.

Soon after the newspaper story, local residents began objecting to the proposal, speaking at a Plaistow Selectmen's meeting and writing letters to the editor. On September 15, 2010, after its regular meeting, the Plaistow Planning Board held a

well-advertised Public Information Meeting on this project. Approximately 100 people were in the audience, including two Atkinson selectmen, the chair of the Atkinson Planning Board, and one of Atkinson's representatives to the legislature.

Plaistow Town Manager Sean Fitzgerald made a lengthy slide presentation explaining the proposal and the town's support. Several hours of public comment followed, running heavily against both the merits of the proposal and the failure to inform Atkinson officials and residents sooner. The practicality and utility of the commuter service was questioned, but most of the negative comments from Atkinson residents concerned the siting of the layover facility, long a nuisance to Bradford residents, virtually atop the town line.

Since they felt that they had not been kept informed by Plaistow or other public officials before the August 24 press release, the Atkinson Board of Selectmen appointed this committee to investigate the factual background of the rail proposal and to present to the Board the positive and negative features of the proposal from an Atkinson perspective.

The Board advertised for nominations to the Committee and eventually appointed all who applied. They are:

William Bennett, Selectman  
Catherine Blash, Secretary  
Albert Bradley  
Anna Clark  
Robert Clark  
Robert Cote  
Joseph DeMonaco  
David Harrigan, Chair  
James Stundze

The Committee held meetings every other Tuesday evening, weather permitting, and sometimes on other evenings to accommodate guest speakers. Members were assigned government agencies or other likely sources of information to research and they reported their findings to the Committee. One member visited MBTA layover facilities in Massachusetts, including Bradford, as early as 3 a.m. Another walked and photographed the area around the proposed layover site. A member counted cars with New Hampshire license plates in and near the train stations in Haverhill and Bradford on a typical workday. The Committee met with Senator Chuck Morse, Representatives Jim Garrity and Deb DeSimone, Kit Morgan of the Rail Bureau of NHDOT, Cliff Sinnott, Executive Director of the RPC, and Plaistow Town Manager Sean Fitzgerald. The matter

was discussed by telephone with Executive Councilor Chris Sununu. Early telephone contacts were made with representatives of the MBTA. However, when the Committee sought a meeting either in Atkinson or at the offices of the MBTA, two telephone messages were not returned and an emailed letter met with the same fate. The owner or agent for the Hilldale Avenue alternative site spoke to a committee member by phone. Attempts to reach the Chart Industries representatives were unsuccessful.

The Committee's findings are described below.

## II History

**A. Commuter Transportation Efforts:** Passenger rail service was last available in Plaistow in 1968, provided by the Boston & Maine Railroad. For the past few decades, various private, public and intergovernmental groups have studied ways to improve public transportation in this area.

In 1994, express bus service from Plaistow to Copley Square, Boston, was begun with three buses in the morning and three returning in the afternoon. After a slight initial growth period in ridership, riders lost interest. The number of buses was reduced from three to two and eventually to one. Since 1997, that bus has left from the Park and Ride lot on Westville Road, the same site proposed for the passenger rail station. The lot, with 275 spaces, usually has just a handful of cars in it each workday. Ridership is so low that the bus no longer takes passengers directly to Boston. It goes to Newburyport, Mass. where passengers transfer to a Boston-bound bus.

Groups that have studied new transportation options for the area include the RPC; the Plaistow Area Transit Advisory Committee (PATAC); the towns of Epping, Kingston and Plaistow; Guilford Transportation, Inc (track owners, later Pan Am Railways); the COACH Company (bus company); NHDOT; Greater Haverhill Chamber of Commerce; Rockingham Economic Development Corporation (REDC); the MBTA, and perhaps others.

In 1987, the MBTA moved its Haverhill Line layover facility from a Haverhill location north of the Haverhill station to Bradford. Since then, nearby residents have frequently complained about diesel fumes and late night and early morning noise. In September, 2008, Haverhill City Councilor William Macek told the Lawrence Eagle-Tribune, "We have had 20 years of neighborhood complaints. You get to a point where enough is enough." Not surprisingly, their State

Senator, Steven Baddour, has been actively encouraging the relocation of the layover site to New Hampshire.

On October 24, 2008, a meeting was held in Plaistow with town officials, the MBTA, RPC, NHDOT, REDC, the New Hampshire Department of Resources and Economic Development (DRED), and the Chamber of Commerce. The MBTA reported that they had been in contact with various landowners regarding the layover facility. The group agreed that the former Westville Homes site on Blossom Road would be "ideal." When asked during our committee interviews, the representatives of the RPC, NHDOT and Plaistow confirmed that the MBTA was the initiator of the preference for the Blossom Road site. Those agencies acquiesced in the selection.

**B. EPA v. MBTA:** The MBTA, through its agent for rail operations, the Massachusetts Bay Commuter Railroad Company, LLC (MBCRC), maintains 14 layover stations. One of them is in Rhode Island. Excessive idling of diesel engines occurred at several of those stations.

On August 4, 2010, the United States Environmental Protection Agency (EPA) sued the MBTA and the MBCRC in the U.S. District Court in Massachusetts for violations of federally enforceable state regulations prohibiting unnecessary diesel engine idling in excess of 30 minutes. These regulations are found at 310 Code of Massachusetts Regulations 7.11(2).

In lieu of a trial, the defendants agreed to the terms of a Consent Decree issued by the Court, requiring them to pay a civil penalty of \$225,000 and to install an electric "plug-in" station for each engine at all of their layover facilities. That electrical power will be used to heat and light the cars while they are serviced overnight, reducing the time the engines must idle.

The defendants were also ordered to replace at least 14 on-board power generators to reduce emissions and to begin using "ultra-low sulfur" diesel fuel. Until June 30, 2012, they must file with the EPA quarterly reports on their compliance with the state idling regulations, their installation of the new plug-in stations and generators, and their use of the new fuel. Like the existing layover stations, a Plaistow layover site would have to follow this Court decree.

**C. Federal Grants:** The RPC received a \$976,000 grant in 2001 from the Congestion Mitigation / Air Quality (CMAQ) program, under which federal money is disbursed by the state. The expressed purpose was to build a commuter platform on Westville Road and pay three years of operating

subsidies (payments to the MBTA for losses incurred in providing rail services). Plaistow reports that those funds were unspent and remain available.

In the fall of 2010, Plaistow's TIGER II grant application was denied. However, in early 2011, the project received an advisory committee's recommendation that it be granted \$8.4 million under the (CMAQ) program. It appears that the expenditure of those funds requires the approval of the Executive Council and, for capital purchases, the legislature. Any interstate agreement will require specific legislative approval from both states.

The MBTA has reported that \$10 million remains available, with Massachusetts legislative approval, to fund the transfer of the layover facility from Bradford to Plaistow.

### III Project Details

The proposal has two parts; one is a prerequisite for the other.

**A. Layover Facility Operations:** The MBTA has made it clear that the layover facility must be moved to Plaistow as a condition for initiating passenger service between Haverhill and Plaistow. The MBTA has also selected the site, Blossom Road, and there has been little serious public discussion about any other possible locations. Thus, the enthusiastic supporters of passenger rail have, by necessity, become enthusiastic supporters of transferring Bradford residents' nuisance to the residents of Plaistow and Atkinson. Therein lies the greatest controversy surrounding the project.

The layover site will have six tracks. Five "trainsets" (engine and cars) will initially use the site; a sixth might be added. Each train will arrive at the end of its day's run. The last one will arrive about 1:00 a.m. When trains enter and leave the site, they are required by safety regulations to issue a warning whistle and bell, although that was observed being done inconsistently in Bradford.

Work crews will service the trains at the site, removing trash and otherwise cleaning and lubricating the equipment. No refueling will occur there. Ordinarily, the trains will be kept warm by the power supplied by the EPA-mandated plug-in stations. However, when the surrounding air temperature is 10 degrees F. or lower, the trains must idle all night to supplement that power with their on-board generators.

In all temperatures, all trains must idle for about one hour before leaving for their day's run. They also must build up the pressure in their air brakes, which can create more noise than idling, as observed in Bradford by a Committee member. The first train of the day will begin idling at or shortly before 4 a.m.

In other words, from late evening until mid-morning, diesel train engines will be idling or moving into or out of the site continuously, except between 1 a.m. and 4 a.m. When the temperature is 10 degrees or lower, the idling will continue without interruption throughout the night.

The crew now working in Bradford will presumably report to Plaistow instead, so it seems unlikely that any new jobs would be created at the layover facility. Plaistow's predictions about the number of post-construction jobs that will be created by the project seem to be associated mostly with the desired commercial development at the Chart Industries site.

**B. Alternative Sites:** The Chart Industries property, on Main Street in Plaistow, is the closest alternative layover site to the new passenger station. It consists of 60 acres and is zoned industrial. Because the Committee has been unable to interview MBTA staff, it isn't known why that site is not their preference. According to the TIGER II grant application and the comments of Sean Fitzgerald, town officials hope to see that parcel developed someday as a mixed residential and commercial site. No other explanation has been offered for not including the layover facility on a portion of the parcel. No reason has been given why the layover site is an acceptable neighbor for established residents of Plaistow and Atkinson, but not for hypothetical future residents of Plaistow.

A proposal to build a WalMart Supercenter near Main Street and Rt. 125 resulted in a public outcry to prevent the increase in shopper traffic on Main Street that would result.

Land near the junction of the boundaries of Haverhill, Plaistow and Atkinson, in the area of the end of Hilldale Avenue, was considered and rejected by the MBTA. The owner or agent was briefly contacted by the MBTA about two years ago, but only learned of their decision much later from the newspaper. In the absence of any information from the MBTA, its reasons remain unknown. A layover station at either this site or the Chart Industries site would disturb far fewer people than one at the Westville Homes site.

**C. Environmental Concerns:** Because federal funds will be spent on this project, the National Environmental Policy Act (NEPA) requires that an environmental assessment (EA) of its likely impacts be conducted. If no significant impact is found, the project can proceed. If the impact is likely to be

significant, then a more detailed environmental impact statement (EIS) must be researched and prepared. The public is allowed to comment on drafts of the EA and any EIS. When the review is complete, the law does not require that the least harmful alternative site be chosen. The choice remains with the project owners, although they, the public, and the regulatory agencies will be better informed.

The potential environmental problems associated with this project are many. The Westville Homes site, the recommended location of the layover station, abuts a prime wetland. Wells beside the same wetland supply drinking water to the Hampstead Area Water Company, Inc., which serves people in ten communities. Other issues include pollution from diesel emissions, the noise and vibrations that will occur at night, the overnight storage of diesel fuel in a 2500-gallon tank and of lubrication oil in a 243-gallon tank on each engine, the potential for runoff containing fuel and lubricants, and possible additional environmental hazards that could surface later.

Disturbing the soil at “brownfield” sites raises another serious environmental question. The sites for both the passenger station and layover facility are “brownfield” sites, meaning that they are polluted to some extent, probably due to their prior industrial uses. There are federal grants available to aid in returning polluted land to useful purposes. None of the documents reviewed by the Committee describes the nature and extent of the pollution. Excavation might reveal pollution so extensive that the land might become a Superfund site.

**D. Passenger station:** The second part of the project is the extension of commuter rail service from Haverhill to Plaistow, a distance of 4.3 miles.

A passenger station is planned for the Westville Road site, including facilities for the sale of coffee and newspapers. The Park and Ride lot will provide parking. We have seen no mention of the fate of the current bus service to Newburyport after the train is operational.

Agreeing to accommodate the layover station does not guarantee that the MBTA will run commuter trains to Plaistow on a set schedule, or run them at all. The Plaistow schedule will be based on ridership and most likely will not include all runs on the Haverhill Line. It is conceivable that the public will be no more enthusiastic about the new connection to Haverhill, where they can already board the train, than they were about the express bus which failed. If in the future the MBTA severely curtails or even discontinues rail service, it will be very difficult and maybe impossible to remove the layover facility.

To assist the MBTA with the capital costs associated with the new service to Haverhill, the State of New Hampshire or the Town of Plaistow will purchase three new bi-level passenger cars with federal funds and donate the cars to the MBTA for use somewhere within its system.

Supporters say that the MBTA's operating costs will not have to be supplemented with operating subsidies assessed against surrounding towns, as they are in Massachusetts, for a long time due to credits for other expenditures to be made by New Hampshire entities in realizing the project.

## IV Pros and Cons of the Project

### A. Layover Facility

**1. Pro: Efficiency of train movements** – If passenger service to Plaistow is initiated without moving the layover facility from Bradford, every train will travel about five miles without passengers every morning and again every evening. That will waste personnel time, cause unnecessary equipment wear, burn expensive fuel, and needlessly complicate the passage of other trains on the same tracks.

**Con:** That is true, as far as it goes. However, the site preferred by the MBTA, to which the other sponsors acquiesce, is not the most efficient available. The Chart Industries property is located beside the proposed passenger station. Barely one-tenth of a mile would separate the trains from their first, and last, stop. Like the preferred site, it is zoned industrial, but it is a much larger parcel and would affect fewer existing residences. The reasons for the rejection of all of the alternative sites have never been publicly disclosed. The reason for secrecy, possibly apart from price negotiations, is not apparent.

**2. Pro: Relief for the people of Bradford** – The Massachusetts residents who have endured for about 25 years the nearly night-long noise, vibration and fumes from the layover facility will welcome its acceptance in New Hampshire. They presently have influential legislative representatives who can greatly assist in obtaining funding to finance the move and in securing any other necessary legislative approvals. The time is right to relieve those residents of this annoyance.

Plaistow Planning Board Chair Tim Moore discussed the plight of Bradford residents at a meeting of the Plaistow Board of Selectmen on March 8, 2010. According to the minutes, he said that "in cold weather the diesels have to run

continually overnight which makes for a lot of smoke and noise which no one wants to live next to." He went on to mention that the "neighbors [are] anxious to have location moved out of Bradford; political clout; ..." He added, "Westville Homes may be an acceptable site and no neighbor complaints ...".

**Con:** Apparently, the preferred way to relieve these Massachusetts residents of the burden imposed by a Massachusetts rail line is to toss the problem over the state line into New Hampshire. Unfortunately, some public officials in New Hampshire are willing to take on Bradford's problems because their judgment is clouded by unrealistic expectations. With very little hard data, they choose to believe that great things will happen simply by instituting a mere 4.3-mile train ride to a destination that's already easily accessible.

Plaistow has actually accepted less than half of the burden of its decision. The Blossom Road site ensures that more families in Atkinson than in Plaistow will suffer the loss in home value that even Plaistow Town Manager Sean Fitzgerald acknowledges is inevitable when the layover station begins operating. More residents of Atkinson than of Plaistow will be subjected to health risks and lose their private property right to the quiet enjoyment of their homes. Exporting this proven nuisance is not an improvement from a New Hampshire or an Atkinson point of view.

**3. Pro: Mitigation of negative effects on residences** – Because of the consent decree, conditions in Plaistow should be more tolerable than they have been in Bradford. Lower sulfur fuel will be used on all trains, reducing fumes. Electric plug-in stations will allow each engine to be shut down during cleaning and maintenance, although they will idle for an hour before each leaves the facility for its first stop of the day. Mats can be used to dampen vibrations. The CMAQ grant budget includes about \$318,000 for a soundwall to protect area residents from much of the noise.

**Con:** Although there are steps that can be taken to reduce the effects of the layover facility, they might never be taken. If taken, they might not result in a significant reduction. And if the negative effects can be effectively mitigated, why weren't they mitigated in Bradford?

The MBTA will use lower sulfur fuel, not sulfur-free fuel, and it will do so only because federal law requires it. They have been ordered by the federal court to begin using it before the law otherwise requires it, because they allegedly violated the rules against excessive engine idling. The same decree required the plug-in stations. The MBTA has repeatedly proven itself truly reluctant to reduce the annoyances to its neighbors. Even more distressing is the fact that New Hampshire has no regulations to limit diesel train engine idling.

The prospects for the voluntary expenditure of funds to even somewhat blunt the effects of the facility on residents are not encouraging. For all these reasons, Atkinson would be naive to assume that state and federal agencies will independently take all possible steps to blunt the impact of a layover facility on local residents, or that these efforts will work even if they are made.

The CMAQ grant budget line item for the construction of the soundwall includes the words, "if needed." According to news accounts, some residents of Windham, New Hampshire, have been unsuccessful in persuading NHDOT to build a soundwall to protect homes from noise generated by I-93. In any event, the Committee is unaware of any soundwalls near any of the MBTA's 14 layover facilities, including Bradford.

**4. Pro: Mitigation of negative effects on the prime wetland** – Trains will not be refueled at the site, eliminating both the need for storage tanks and the risk of spills. The noise might affect wildlife, but only at night and there is alternative habitat elsewhere in the area. The fumes will be emitted at least ten feet off the ground and will be dispersed by the wind. Efforts will be made to contain any runoff of fuel or lubricants. The actual operations will occur far from the wetland itself, certainly beyond the minimum buffer required by local zoning ordinances.

**Con:** It is difficult to imagine that any of the wildlife capable of migration will remain in this prime wetland after the nightly noise, vibration, and air pollution begin. Leakage from the large fuel and oil tanks on each engine must be anticipated. Runoff carrying fuel and lubricants is inevitable since the trains will not be protected from the weather.

The risk goes beyond plants and animals. The Hampstead Area Water Company, Inc. operates wells located a few feet from the wetland, perhaps three-quarters of a mile from the site. The company supplies drinking water to people in ten southern New Hampshire communities. Other residents have their own wells.

**5. Pro: Polluted sites will be restored to usefulness** – The layover and the station sites constitute "brownfields." This means that they suffer from some degree of pollution. This project will reclaim those parcels and return them to economic productivity.

**Con:** The same could probably be said of the Chart Industries property beside the proposed passenger station but it has been rejected as the layover site. Further exploration of polluted soil may reveal a greater degree of pollution than

is currently known. Disturbance of polluted soil might endanger the wetland and groundwater even before train operations begin.

**6. Pro: Any negative effects of the layover facility are outweighed by the benefits of passenger service** – When taken as a whole, the reduction in highway congestion, the improvement of air quality, the increase in property values, the greater convenience to commuters, and the additional employment far outweigh the negative aspects of the layover site.

**Con:** Much of this response will be found in the next section concerning the passenger station. In reality, if this project is completed, train service to Boston that is already easily accessible will become slightly more easily accessible, albeit at a cost of \$29.5 million of public funds. Its most ardent supporters exaggerate the modest benefits of a four-mile extension to justify foisting a major nuisance on New Hampshire residents, primarily those of Atkinson.

## B. Passenger Service

**1. Pro: Reduced road congestion** – Rt. 125 between Plaistow and the I-495 ramps is heavily congested during commuting hours. The TIGER II grant application stated that 25,000 to 30,000 cars travel the southern portion of Rt. 125 in Plaistow daily. That application also stated that 670 vehicle trips per day will be eliminated from Rt. 125 in 2013, the first year of rail operation. That will reduce air emissions and road and vehicle wear.

**Con:** Even taken at face value, the reduction in traffic will be 1% to 2.5%. Such an insignificant change cannot justify the public expense and negative impacts on residents.

Examining the ridership predictions more closely, the CMAQ grant application contradicts the TIGER II application and says that only 510 vehicle trips will be eliminated.

For its ridership predictions, the TIGER II grant application relied on assumptions in an economic consultant's cost-benefit analysis, which relied on assumptions supplied by the Rockingham Planning Commission, which relied on assumptions supplied by the MBTA, which apparently were not based on New Hampshire data.

A Committee member counted cars bearing New Hampshire plates in the parking lots of the Haverhill and Bradford stations on September 29, 2010, a Wednesday at noon, when presumably all commuter vehicles would be in place. Including all cars in all lots at both Haverhill and Bradford, plus cars parked on

the nearest roads, a total of 62 had New Hampshire plates. This clearly is a far cry from the 255 or 335 vehicles being estimated. It cannot even be assumed that all 62 drivers now taking the train from Haverhill or Bradford would switch to the Plaistow station. Anyone living in the southern sections of Salem or Windham is probably closer to the Haverhill station, which soon will have far more parking available with the garage now under construction. Many of the current train commuters might not use Rt. 125 at all, considering the alternate routes available via Rt. 110 and Hilldale Avenue.

The consultant assumed that 76 percent of the people using the new commuter service from Plaistow would be new train riders, drawn away from their cars by the opening of the new station. The consultant offers no basis for that assumption, either. Anyone living near the proposed Plaistow station who wants to take the train now has only to drive 4.3 miles to Haverhill to avoid the 40-mile drive to Boston. The economist must have assumed that a large number of people now drive 40 miles into Boston to avoid a 4.3-mile drive to Haverhill.

If people in this area are not taking the train now, there is nothing about a 4.3-mile train ride from Plaistow to Haverhill that will lure them from behind the wheel. They either need or want their car available to them all day.

There is also no basis for assuming that 335 local people work in downtown Boston. Commuters to Massachusetts jobs are most likely going no further than Haverhill or perhaps to employment in towns not served by the train. If their employers are located along I-495 or Rt. 128, the train won't get them there.

So far, no one has produced any destination surveys of Rt. 125 drivers to show how many are going to places served by the train. Nor have there been any surveys of New Hampshire residents who already board the train in Haverhill or Bradford, to learn whether they would prefer to use a Plaistow station. In other words, the most basic planning tools haven't been used to substantiate the assumptions underlying this \$29.5 million project. Perhaps the proponents anticipate inconvenient results.

**2. Pro: Reduction in air pollution** – The reduction of pollution from cars on the road will more than offset the pollution added by 20-24 daily runs by diesel trains.

**Con:** That statement does not take into account the air pollution added by having at least one stationary diesel train engine idling continuously for five or six hours per day, trains running as they slowly enter and leave the layover station, and trains traveling unnecessarily between the Blossom Road layover and the passenger station about ten times daily (the Chart Industries site would

eliminate that deadheading). It also seriously overestimates the number of drivers who will use the train instead of their cars.

**3. Pro: Increase in property values** – Easier access to the railroad will make homes in Plaistow and the surrounding area more attractive to buyers, raising their value. This will be particularly true of the new “Transit Oriented Development” that some Plaistow officials would like to see beside the new passenger station.

**Con:** To the contrary, the Plaistow town manager conceded at the information session on September 15, 2010, that the value of properties within earshot of the layover facility will be reduced.

Therefore, Plaistow is seeking to increase its property values near the passenger station by putting the layover where it diminishes the value of Atkinson property and the property of nearby Plaistow residents. In other words, Plaistow is sacrificing the health and well-being of current residents of both towns to protect hypothetical new residents from the same nuisance.

**4. Pro: Increased Employment** - The construction of tracks and crew shed at the layover site, and construction of the passenger station and platform, will create jobs. The transit oriented development beside the passenger station will employ still more construction workers. Eventually, the commercial portion of that development will also offer employment to retail workers.

**Con** - Construction jobs are merely temporary. In any event, one Plaistow resident who spoke at the Public Information Session said that he had worked with the MBTA on other projects and that it would be using Massachusetts contractors with whom it had experience. Building railroad tracks and platforms is a specialty so the MBTA would probably choose a company in which it already had confidence.

If Plaistow officials are planning a large commercial development on the Chart property, which fronts on Main Street, they have already forgotten that the residents of Plaistow at the March, 2009 Town Meeting overwhelmingly defeated a rezoning proposal that would have allowed Walmart to build a Supercenter at Main Street and Rt. 125. The people did not want to increase the traffic on Main Street. The vote was 1285 to 331. The proposed “Transit Oriented Development” threatens Main Street for all the same reasons.

Not much confidence can be placed in low-paying retail jobs in a development that does not exist, for which there are no developer’s plans, on land that is not

zoned for that use, in a town that overwhelmingly values its Main Street over more commercial development.

V  
Legal Issues

It is important for town officials to monitor numerous legal issues associated with this proposal in order to protect Atkinson's interests.

**A. Zoning:** Section 220-5, A. of the Plaistow Zoning Ordinance forbids "in every district within the Town" uses that "may be obnoxious or injurious by reason of ... odors, dust, smoke, refuse matter, fumes, noise, vibration or other similar conditions or that are dangerous to the comfort, peace, enjoyment, health, or safety of the community or that contribute to its disturbance or annoyance ...".

That seems to describe the layover facility. However, the State of New Hampshire and its political subdivisions are not required to comply with local ordinances, even their own. Since the MBTA is not a political subdivision of New Hampshire, the project's promoters might be planning to have the layover site "owned" by the State and "leased" to the MBTA, although the MBTA may have provided the purchase price and will be the sole operator of the site. A court might not agree that the State truly owns the site and might find that the arrangement was devised solely to deny the public the protection of the zoning ordinance.

**B. Operating Agreement:** The relationships among the MBTA, Plaistow and the State will be determined by a written contract which has not yet been prepared. Properly drawn, it will include standards for the conduct of operations, including mitigation measures, and penalties for non-compliance. It should specify the circumstances under which the layover facility would be removed from New Hampshire.

**C. Environmental Impact Statement:** Considering the intensive nightly use of the layover site and the proximity to residences and a prime wetland, an EA might be insufficient to address all the issues. It might require court intervention to assure that an EIS is prepared.

**D. Diesel Train Engine Idling Regulations:** New Hampshire has none. They clearly will be needed and might take the form of legislation or administrative regulations. They should include strong penalties that provide a true incentive for compliance.

## VI Conclusion

Supporting the idea of commuter rail should not mean supporting a layover station that even the project's main advocates acknowledge will be detrimental to the surrounding area. The proposed layover facility on Blossom Road in Plaistow will have serious negative impacts on the people who live nearby in Atkinson and Plaistow and on the prime wetland beside it. Those impacts far outweigh the benefit to the general public from the construction of a passenger station just four miles from the existing station in Haverhill.

The benefits of this short extension of passenger rail service, as described by the project's supporters, are exaggerated or cannot be substantiated, yet these claims about ridership continue to be repeated in each grant application and report. Meanwhile, the detrimental effects are clearly substantiated by years of experience in Bradford. Several alternative sites in Plaistow and Haverhill could accommodate the layover station more conveniently and with less impact on residents and the environment. Atkinson should encourage Plaistow and the MBTA to pursue these sites and abandon the proposal to build on Blossom Road.

## VII Recommendations

This project still has several complicated obstacles to negotiate before completion. Many opportunities remain for Atkinson to influence the siting of the layover facility, the design of mitigation measures, and even whether to extend the rail line. The project involves so many officials and agencies at so many levels of government in two states that it would be easy to lose track of what's happening - as was already the case when plans had proceeded for years without Atkinson's knowledge. If Atkinson does not want to wake up one morning and find that all of the decisions have already been made, town officials must become involved in the process now.

The Committee acknowledges that its members do not have the time or expertise to represent Atkinson's interests throughout the process. But as individuals, many members and other residents will volunteer if the Town provides leadership. Unfortunately, some expertise must be purchased. Therefore, the Committee recommends that the Selectmen do the following:

1. Meet with their counterparts in Plaistow and with the MBTA to discuss the matter directly in order to express Atkinson's objections to the Blossom Road site. Planning Board chairs should be included.

2. Meet with Executive Councilor Chris Sununu, who represents both towns. All federal grants and expenditures, and all state contracts in excess of \$10,000, must be approved by the five-member Executive Council.
3. Contact the N.H. House and Senate leadership, and the chairs of the Transportation and Finance committees, to express the Town's concerns that it will become just another Bradford. The legislature's approval is required for any interstate contracts and some capital expenditures.
4. Ask NHDOT to permit the Town to participate in the preparations for the environmental assessment and the engineering studies. That will be the earliest opportunity to address the suitability of the site as well as mitigation measures.
5. Conduct the two surveys mentioned above to determine how many Rt. 125 drivers are going to Boston and how many current MBTA riders from New Hampshire would use a Plaistow station. Use volunteers.
5. Hold periodic public information sessions to report on recent developments and the Town's actions to influence them.
6. Secure the services of a lawyer to monitor those steps that might adversely affect the people of Atkinson and might have to be resolved by litigation. The Town cannot assert and protect its rights if it doesn't know what they are, and this is unfamiliar legal territory for Atkinson.
7. Engage a Concord lobbyist to monitor legislation and to influence the legislative and executive bodies that still must approve the project. While we are ably represented in Concord by our elected officials, several also represent Plaistow. From 45 miles away, it is difficult to follow all of the legislation and all of the amendments that might be added at any time. Success often depends more on daily contact with legislators than on testimony at one formal hearing.

Respectfully submitted,

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Catherine Blash, Secretary

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Robert Cote

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Albert Bradley

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Joseph DeMonaco

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Anna Clark

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David Harrigan, Chair

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Robert Clark

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James Stundze

# **Appendix C**

**Department of Justice**  
Office of Public Affairs  
**FOR IMMEDIATE RELEASE**

Wednesday, August 4, 2010

**Massachusetts Bay Transportation Authority to Spend Millions to Reduce Commuter Train Emissions in Clean Air Act Settlement**

WASHINGTON – In response to a federal enforcement action for excessive train engine idling, the Massachusetts Bay Transportation Authority (MBTA) and the Massachusetts Bay Commuter Railroad Company (MBCR) will spend more than \$2 million to reduce diesel locomotive emissions throughout the MBTA's commuter rail system, the Justice Department and Environmental Protection Agency (EPA) announced today. Under a consent decree lodged in federal court, MBTA and MBCR will spend over \$1 million on anti-idling equipment at all end-of-line stations and maintenance facilities, and will spend another \$1 million on ultra-clean diesel fuel for all trains in the commuter rail system for two years.

These emission-reducing measures are the result of a federal enforcement action brought by the Justice Department on behalf of EPA in response to MBTA's and MBCR's excessive locomotive idling at the Widett Circle layover facility in South Boston and the Greenbush line station in Scituate, Mass. Neighboring residents have complained of excessive train idling at both locations.

To settle the enforcement action, MBTA and MBCR will:

- Install or upgrade electric plug-in stations as anti-idling equipment to supply all commuter locomotives with electric auxiliary power to prevent excess idling during train layovers;
  - Switch to cleaner burning, ultra-low sulfur diesel fuel for all trains on the MBTA's commuter rail lines for a two year period at an estimated cost of \$1 million;
  - Install new, less polluting auxiliary engines on fourteen commuter locomotives by no later than December 2012; and
  - Pay a \$225,000 fine.

The anti-idling measures, clean diesel fuel switch and new auxiliary engines required by the federal settlement will have significant clean air benefits. For example, a reduction in commuter locomotive idling by even one hour per day per locomotive, together with the fuel switch and new engines, could result in yearly carbon dioxide emission reductions of an estimated 800 tons, nitrogen oxides reductions of nearly 170 tons, carbon monoxide reductions of about 80 tons, particulate reductions of 23 tons, and sulfur dioxide reductions of 1-2 tons.

MBTA owns 80 commuter locomotives used on 13 commuter rail routes in Eastern Massachusetts. Since 2003, MBCR has managed and operated the commuter train system for the MBTA. The system includes 14 layover facilities where the locomotives and passenger cars are parked and serviced between runs. Electric plug-in stations at these facilities supply the trains with electric power for lights and ventilation. If a plug-in is not available, a train on layover idles its auxiliary diesel engine to supply any needed electric power.

Under today's settlement, which must be approved by the court, commuter train layovers will only be allowed at locations where there are sufficient electric plug-in stations for all trains.

The Massachusetts locomotive idling regulation, a federally-enforceable state regulation, prohibits all unnecessary diesel locomotive idling for more than 30 minutes. According to a 2008 notice of violation issued by EPA, MBTA and MBCR committed 33 violations of this regulation at Widett Circle and Greenbush in three months. At Widett, the average idling time during the violations was just under four hours (234 minutes).

"This precedent-setting, multi-million dollar settlement for train idling is appropriate in light of the defendants' conduct," said Ignacia S. Moreno, Assistant Attorney General for the Justice Department's Environment and Natural Resources Division. "The settlement will provide immediate and lasting environmental benefits to the residents of Eastern Massachusetts, particularly those in environmental justice communities."

"It is imperative that anti-idling laws are followed, given the proximity of these layover facilities to densely-populated communities and environmental justice neighborhoods," said Curt Spalding, regional administrator of EPA's New England Office. "Diesel pollution can be very harmful, especially to sensitive populations such as the young, elderly and people who suffer from asthma."

Diesel emissions contribute to a number of serious air pollution problems such as smog, acid rain and increased carbon concentrations in the atmosphere. Diesel exhaust contains fine particles that can cause lung damage and aggravate respiratory conditions, such as asthma and bronchitis. Based upon human and laboratory studies, there is also considerable evidence that diesel exhaust is a likely carcinogen.

Since 2002, EPA has brought more than a dozen federal enforcement cases to stop diesel engine idling violations in Mass., Conn. and R.I. Most of the cases have involved diesel truck and bus idling, including a judicial settlement announced in July 2010 against National Car Rental for shuttle bus idling at two airports. Only Massachusetts and Rhode Island have federally-enforceable locomotive idling regulations, and today's action marks the first time EPA and DOJ have sued a railroad for excessive idling violations.

The consent decree, lodged in the U.S. District Court, will be subject to a 30-day public comment period and approval by the federal court. Once it is published in the Federal Register, a copy of the consent decree and instructions on how to comment will be available on the Justice Department Web site at [www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html).

Diesel exhaust and anti-idling guidelines ([www.epa.gov/ne/eco/diesel](http://www.epa.gov/ne/eco/diesel))

10-896

Environment and Natural Resources Division

[Department of Justice Accomplishments](#)

[Open Government at the Department of Justice](#)

[The Criminal Justice System as a Counterterrorism Tool](#)



# **Appendix D**



**TOWN OF WESTMINSTER**  
**BOARD OF SELECTMEN**  
11 SOUTH STREET  
WESTMINSTER, MASSACHUSETTS 01473  
(978) 874-7400 • Fax (978) 874-7411

October 1, 2012

Noah S. Berger  
Director of Planning and Program Development  
Federal Transit Administration  
55 Broadway, Suite 920  
Cambridge, MA 02142

Re: Wachusett Extension Project / Westminster Layover Facility

Dear Mr. Berger:

The Town of Westminster Board of Selectmen (“Board”) is writing this letter to request the involvement of the Federal Transit Administration (“FTA”), in addressing issues that have arisen with the Wachusett Extension project (“Project”). As you know, the Project is entirely funded by a Department of Transportation (“DOT”) grant under the Transportation Investment Generating Economic Recovery (“TIGER”) Discretionary Grant program. The TIGER grant funding is directed to the Massachusetts Bay Transportation Authority (“MBTA”) as agent for the Montachusett Regional Transportation Authority (“MART”), which applied for and was awarded the TIGER grant in 2010. The Project includes the construction of a new “layover facility” for the overnight storage of MBTA trains and locomotives (“Facility”) for the MBTA Fitchburg commuter-rail line. The Facility is to be located in the Town of Westminster (“Town”) within the privately-owned Westminster Business Park (“WBP”), adjacent to the main-line tracks owned by Pam Am Southern (“PAS”). The Facility is not a passenger station, and there is no other passenger station located within Westminster.

It has become clear to the Board that MART and MBTA have misrepresented the nature and supposed benefits of the Project to both DOT and FTA, as the funding agency, and to the Town, as the host community. Although the Facility was projected to be a catalyst for economic development and job creation in the Town, the Facility will, in fact, be an economic detriment to the Town, insofar as the Facility will occupy prime industrial land and will actually delay, rather than enhance, the use of the WBP by private rail-oriented businesses. Further, the operation of the Facility (in particular, the nighttime idling of engines) will create noticeable noise impacts on Town residents.

Recognizing that the Facility, as currently proposed, will have a negative economic and environmental impact on the Town, the Board has sought, unsuccessfully, to work cooperatively with MART and MBTA to identify options to modify or expand the scope of the Project so as to allow the Facility to provide the promised economic benefits, and to mitigate unavoidable negative impacts. The response by MART and MBTA has been wholly unsatisfactory. The Project agencies have refused to include any such measures within the scope of the Project. Rather than coordinating the development of the Facility with the Town to achieve the Project objectives, MART and MBTA have denied the Town a role in Project decision-making, and have restructured the Project to avoid municipal permitting requirements.

The TIGER grant process weighed the potential for economic development, and the degree of municipal support and approval, as major factors in awarding grants to a limited number of projects. The Facility, as presently designed, will have negative, not positive, effects on the Town's future economic growth, and is therefore opposed by the Board. For those reasons, and in light of the unwillingness by MART and MBTA to address and mitigate the Facility's negative impacts on the Town, the Board requests that the FTA, as Project administrator, (i) suspend all funding for the Project, (ii) impose a moratorium on the construction of the Facility, (iii) require MART and MBTA to negotiate meaningfully with the Town, and (iv) take a direct role in these negotiations.

The following summarizes the history and status of the Project and the Facility, and identifies the key issues of concern to the Town.

A. Project benefits asserted during the TIGER grant application process

Under the notice of funding availability for the TIGER grant (published on May 18, 2009 at 74 FR 23226), project applications were to be evaluated on several criteria, particularly "significant long-term benefits" and "job creation and economic stimulus," including promotion of "new or expanded business opportunities." Because of the emphasis on immediate economic stimulus, a key consideration was to be whether a project was "ready to proceed rapidly," as evidenced by receipt of necessary environmental and legislative approvals, as well as "evidence of support from State and local officials." Priority was to be given to projects that were expected to be completed by February 17, 2012.

In the "Wachusett Extension Application for TIGER Discretionary Grant" (September 14, 2009), MART stated that WBP supported the necessary land acquisition for the Facility due to the "benefits the rail access will provide" to the WBP, and cited the "possibility of extending freight access" into the WBP. The application estimated that full build-out of the WBP would produce up to 2,250 jobs, and that "500 of the jobs in the [WBP] are Project related." The application estimated the benefits from this Project-related increased employment in the WBP at \$19.6 million by 2032. As stated in the application, the Project "allows for freight access in the [WBP]."

Based on these assertions of the Project's economic benefits to the Town and the region, the Board initially expressed its support for MART's application, in a letter dated September 9, 2009. The letter noted: "The project will require a cooperative development strategy and understanding between the [WBP] owners, the Town of Westminster, MART, and the MBTA." However, when the review of the Project under the Massachusetts Environmental Policy Act ("MEPA") disclosed potential impacts of noise, vibration, and fumes from idling trains, the Board retracted its support for the Project. In a letter to the Secretary of the Massachusetts Executive Office of Energy and Environmental Affairs, dated December 8, 2009, the Board stated that the Facility should be located, instead, in Fitchburg or Gardner, and that the Facility, which would be tax-exempt, was not "the best use of scarce industrial land" in the Town. Although MART was aware that the Board no longer supported the location of the Facility in Westminster, MART misrepresented, in the 2010 Environmental Assessment and in later communications with the FTA, that the Town continued to support the Facility.

The Town's concerns with the basis for the Facility location, and its adverse impacts on the Town, are not new. The Town has raised these issues since before the TIGER grant was awarded. As discussed below, the economic benefits that were projected in MART's application, and included in the cost-benefit analysis submitted to DOT with the application, have proven to be illusory, and the environmental impacts (particularly noise) have not been addressed or mitigated.

#### B. The Project's failure to provide rail access within the WBP

The potential for rail access within the WBP, as a basis for economic development and job creation, has faded since the Project was initially proposed. Whether or not it was ever the intention of MART and MBTA to provide such access in conjunction with the construction of the Facility as originally suggested, the current design of the Project provides no basis to believe that rail access for private businesses in the WBP will be aided or promoted by the Facility.

The site initially proposed within the WBP for the Facility (west of the current site) might have created an opportunity for private connections to the spur into the WBP serving the Facility. However, the original site, as MART and the MBTA now admit, was infeasible on technical, environmental, and economic grounds. The cost and time necessary to use that site would have forced the Project proponents to locate the Facility outside the WBP, if the current alternative site had not been made available for the Facility. While the new Facility site suffices for the MBTA's operational needs, it does not offer the freight access that was promoted to the Town, and to DOT, as the Facility's economic benefit. Indeed, by occupying the WBP lot that is currently most suitable for a rail user, the Facility significantly reduces and hinders the possibility of attracting businesses to the WBP on the basis of potential freight access to the PAS line. In short, rather than providing positive economic benefits to the Town, the Facility actually will substantially impair economic development in the Town.

In response to the loss of direct economic benefit, the Board has sought to explore other alternatives with MART and the MBTA to create economic benefits from the Facility. The Board commissioned a “Peer to Peer Report,” which identified sites within the WBP (lots I-7 and I-8) that could be provided rail access, through an extension of the Facility access track further into the undeveloped portion of the WBP, or by the development of a public-access “team track.” The Report recommended: “The Town should ask the MBTA, as part of the mitigation, to engineer the plans to extend the layover access track into the remaining WBP and to provide conceptual plans for rail sidings to serve lots I-7 and I-8,” and that the Town should determine “if the MBTA will fund all or part of the construction costs of the team track facility.”

In response, MART and the MBTA have maintained that the Facility itself will facilitate rail access (an assertion that has never been supported or substantiated), and that it is beyond the scope of the Project to provide a “team track” or other freight connections to the WBP. Further, they assert that federal transit funding regulations preclude their participating “in any activities related to private business development.” While expressing a willingness to support applications for other funding sources, MART and MBTA have made clear that they will not include these measures within the current Project.

The Town has also suggested that MART and/or MBTA mitigate for the Facility’s impacts by increasing the attractiveness of the WBP to businesses, such as by funding the installation of traffic signals at the WBP entrance (eliminating the current need for costly police details to address traffic safety concerns). Again, the most that MART and MBTA will offer is to support seeking alternative funding sources.

It is reasonable for the Town to seek the economic benefits that were the basis for the TIGER grant application and for the solicitation of Town support for the Project. Since the Project has changed and will no longer provide those benefits, MART and the MBTA should be expected to cooperate with the Town, and to fund alternatives to provide the promised benefits. Had the Town known, from the Project’s inception, that the Facility would provide no economic benefits—and would, in fact, be economically detrimental—the Town would certainly have opposed the location of the Facility in the Town, and would have been unwilling to provide the local support that was expected by the TIGER grant criteria. Having induced the Town to support the TIGER grant application by promising economic benefits, MART and MBTA should be required to be proactive and definitive in providing economic benefits to offset and mitigate for the Facility’s negative impacts. To the extent that DOT funding under the TIGER grant cannot be used for these purposes, MART and MBTA should be required to provide other funding sources, instead of relying on the Project’s status as a 100%-federally funded program to avoid exploring alternatives for generating Project benefits.

#### C. MART and MBTA actions to evade local permitting requirements

One of the Town’s concerns when the Facility was proposed was whether it would be subject to review by the Planning Board, under the Town Zoning Bylaw

requirements for special permits and site plan review. As originally presented, the Facility was to be constructed by MART. In a public meeting on the Environmental Assessment held on July 13, 2010, MART representatives stated that MART would comply with local permitting requirements.

Within six months, and without prior notice to the Town, MART and MBTA had signed a Memorandum of Understanding (“MOU”), dated January 21, 2011, which reveals their intention to avoid local permitting requirements by transferring Project implementation to the MBTA. The MOU assigns to MART the responsibility to “secure all local permits and approvals necessary for Project implementation[,]” and to identify and comply with local requirements, including those of the Planning Board. However, MART also agreed to “work with local government bodies . . . to utilize maximum MBTA authority to construct the project . . . . *If successful, no local municipal approval will be needed for constructing the station and layover facilities.*” (Emphasis added).

Under Massachusetts law, MBTA is exempt from zoning requirements, whereas MART is subject to zoning (except by pursuing a cumbersome and time-consuming procedure to obtain an exemption from local requirements from the state Department of Public Utilities). Therefore, the transfer of the Project, including the Facility, to MBTA has negated the commitment made by MART publicly to comply with local permitting requirements. MART asserts that the transfer of the Project to MBTA was made at the behest of state and federal officials. The Town has not been provided with documentation of this claim, and even if it were so, this would not explain why MART and MBTA withheld information from the Town contradicting MART’s public assertions that the Facility would comply with the Town’s permitting requirements.

State law would not preclude MART and MBTA from submitting the Facility, voluntarily, to local zoning review (as other exempt entities, such as churches and schools, often do). However, MART now asserts that it is “no longer responsible for execution of the project and MART cannot volunteer the MBTA to comply with local requirements and processes.” While this may be correct as a matter of law, it is wholly at odds with the premise for the TIGER grant application as being for a locally-supported project, and with the previous promises to the Town that were offered in an effort to obtain and maintain Town support while the application and environmental-review processes were ongoing. It is not surprising that the Town believes that it has been the victim of a “bait and switch” operation.

As with the fleeting promises of economic benefits to the Town, it appears that MART’s commitment to follow local permitting requirements for the Facility was no more than a ruse to secure the Town’s support for the TIGER grant under false pretenses. The Town respectfully submits that such tactics should not be condoned or encouraged, particularly when undertaken by one public entity against another.

#### D. Evaluation of noise impacts

The prospect of adverse noise impacts from the Facility has been a concern of the Town, and of nearby residents, since the Facility was first proposed. The principal concern is the idling of engines overnight and in the early morning (i.e., from 4 to 7 AM), before the trains leave the Facility to begin commuter service. In April 2010, the Board voted to support the location of the Facility at Lot 1-4A in the WBP, with several conditions, including that “[n]oise levels at parcel boundaries will be contained to under 60 decibels for thirty (30) minutes,” that a “noise test following EPA standards will be performed to determine the number of decibels, the noise frequency, and amplitude,” and that noise levels “will be required to meet EPA standards.” A noise study that was conducted as part of the Environmental Assessment discounted the likelihood of adverse noise impacts, but this study was based on average impacts over a 24-hour period, and examined whether the Facility would meet FTA standards, not whether the Board’s conditions would be satisfied.

The Town commissioned its own study, which was based on Massachusetts Department of Environmental Protection (“MassDEP”) noise standards, and which focused on the increased levels of noise over background levels that would be caused by the overnight and pre-dawn idling of MBTA engines at the Facility. The study concluded that, while decibel levels (measured in dBA) would not exceed 60 dBA when measured at the residences, there would be an increase of 10-16 dBA at several residences, contrary to DEP standards that increases from a source be limited to less than 10 dBA.

MART and MBTA’s response to the Town’s concerns has been to assert that no mitigation is required, because the Facility complies with FTA noise criteria, and that the Facility is not subject to the more stringent MassDEP standards. Further, when it was suggested that a post-construction noise study would provide a means to determine whether noise was an actual (rather than a hypothetical) problem, MART and MBTA refused to consider such a study. This response demonstrates that MART and MBTA do not view the Project as a cooperative venture with the communities affected by the Project, which is the basis on which the TIGER grant was awarded. Instead, on this issue, as on others, MART and MBTA seek to do the minimum required by the funding agency, instead of exploring options for reasonable mitigation. .

#### Conclusion

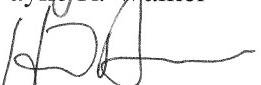
What has been offered in this letter is merely a summary of the Town’s concerns with the design and management of the Project (particularly the Facility). The Town believes that MART and MBTA have consistently misrepresented Project benefits and impacts, as well as their intentions in addressing the Town’s concerns. In so doing, MART and MBTA have also misled DOT and FTA as to the degree of the Town’s support for the Project and as to the supposed economic benefit from the Project, which was a basis for the award of the TIGER grant. As the Project has progressed and the start of construction has become more imminent, MART and MBTA have become all the less

willing to cooperate with the Town. Their approach seems to be to “run the clock out” until the Facility becomes a fait accompli.

Therefore, the Town requests that the FTA, as administrator of the TIGER grant, exercise its authority under the program requirements and the Grant Agreement with MART, to monitor and investigate the status of the Project. As an interim measure, the Board requests that the FTA suspend funding and impose a moratorium on the construction of the Facility, to allow the opportunity for the FTA to investigate the Town’s concerns and MART and MBTA’s responses to the Town’s requests for mitigation of the Facility’s adverse economic and environmental effects. This is necessary to achieve the Project’s purposes of promoting economic development through a cooperative effort by federal, state, regional, and local entities.

We would be happy to provide more detailed information to you, and to meet with you or your representatives to discuss these matters further.

Very truly yours,

  
Joseph E. Flanagan  
  
Wayne R. Walker  
  
Heather M. Billings

c: Mohammed Khan, MART Administrator  
Bruno Fisher, MART Deputy Director  
Kristin Wood, Congressman Olver’s Office  
Senator Jennifer Flanagan  
Representative Kimberly Ferguson  
Noah Berger, FTA Director of Planning & Program Development  
Paul Hadley, MBTA Project Manager  
Sydney Culliford, Executive Vice-President Pan Am Southern Railways  
George Kahale, Transit Project Director, MRPC  
John J. Goldrosen, Esq., Kopelman & Paige P.C.

# **Appendix E**

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February 15, 2012

## Maine lawmakers fight to save Downeaster funds

By Jonathan Riskind <http://www.onlinesentinel.com/news/mailto:jriskind@mainetoday.com>  
Washington Bureau Chief

**WASHINGTON** — Maine lawmakers are trying to restore as much as \$6 million in annual federal funding for the Downeaster eliminated by transportation bills pending in the House and Senate.



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In this December 2011 photo, the Amtrak Downeaster travels through Portland. The train provides passenger rail service between Portland and Boston.

AP/Robert F. Bukaty

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Maine Today Photo Store](#)

The legislation doesn't allow Maine to keep using money from the federal Congestion Mitigation and Air Quality program to help operate the passenger rail service from Portland to Boston.

But Sen. [Olympia Snowe](#), R-Maine, is working on adding back Maine's ability to use the money as part of the Senate bill, which likely won't be voted on until after a congressional recess next week. Her effort is backed by Sens. [Susan Collins](#), R-Maine, Sheldon Whitehouse, D-R.I., and several other senators.

And in the House, Reps. [Chellie Pingree](#), D-1st District, and [Mike Michaud](#), D-2nd District, are hoping to get a vote as soon as this week on an amendment renewing the Downeaster funding source as part of the House version.

The House and Senate transportation bills are very different, and it isn't clear whether House GOP leaders will even be able to pass their bill, which includes cuts in the general road repair money granted to most states, including Maine.

Votes on the five-year, \$260 billion House bill and on the two-year, \$109 billion Senate bill likely won't come until after next week's congressional recess. The Senate bill is considered the more likely to win bipartisan support.

The up to \$6 million the Downeaster gets from the air quality program is a crucial part of the rail service's annual operating budget of about

\$15.1 million, with \$12 million of that paid to Amtrak to operate the line. The Northern New England Passenger Rail Authority, which manages the Downeaster on behalf of Maine, brings in about \$8 million in revenue from sources such as ticket sales and food concessions, leaving about a \$7.1 million shortfall.

The federal air quality money is used to make up 80 percent of that shortfall, which depending on the year can range from \$5 million to \$6 million. The rest of the shortfall is filled with money from a state-imposed car rental sales tax.

When the Downeaster service was launched in 2001, it was allowed to use the air quality program money on a temporary basis, under the theory that it was taking cars off the road and improving air quality. But Maine won an exemption in five-year transportation bill passed in 2005 that allowed it to keep using the air quality money for the life of the transportation bill.

Congress has failed to pass a new transportation bill, so Maine's exception has been renewed each time the current bill's policies are extended in lieu of a new bill being passed.

Pingree noted that Congress recently approved spending \$38 million to extend Downeaster service to Brunswick and Freeport and millions of dollars more to improve rail lines in Massachusetts. The line currently carries about a half-million passengers a year.

"The Downeaster is one of the most successful and popular rail lines in the country," Pingree said in a statement today. "It has created economic development along its current route and we can already see the boost it's giving to local businesses in Freeport and Brunswick where service will begin later this year. Now is not the time to pull the rug out from under the Downeaster by taking away this funding."

Patricia Quinn, the executive director of the Northern New England Passenger Rail Authority, said that losing the ability to use the federal air quality money for the Downeaster would mean the state would have to find the funding elsewhere – not an easy task given the current state budget crunch.

"It could shift more of the financial burden to the state of Maine," Quinn said. "It would definitely change the mix and create more challenges."

But Snowe, Pingree and Michaud all say they are optimistic about the prospects of restoring the exception. Currently, only Maine and Oregon have such exceptions allowing states to use the federal air quality money for rail service subsidies, but other states too are trying to win more flexibility for how the money can be used, Quinn said.

Under the \$260 billion pending House transportation bill, Maine would get about \$878 million over five years, compared with about \$958 million that flowed to the state over five years from the current transportation bill, Michaud said last week. The House bill cuts funding to most states, and it isn't clear it has enough support to pass.

Michaud, a member of the House Transportation Committee, opposed the bill in committee. He noted that it also eliminates the scenic byways program, which over five years under the last transportation bill yielded \$5.7 million for Maine beautification projects, helping tourism efforts.

But under the two-year Senate bill, Maine would get nearly \$195 million this year and about \$198 million in 2013, a hike over its 2011 allocation of \$191.6 million, according to the office of Snowe, a member of two committees that helped craft the Senate bill -- the finance committee and the commerce, science and transportation committee.

Just last year, Congress came close to banning Amtrak from using federal dollars for state-supported inter-city rail lines such as the Downeaster, which stops at a total of 10 stations in Maine, New Hampshire and Massachusetts. The rail line is set to expand to stations in Brunswick and Freeport. But a Senate version of a 2012 spending bill nixed a proposal by the House for the prohibition.

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# **Appendix F**

## '11/'12 Boston Express Passenger Summaries

I-93							
Month	Exit 2	Exit 4	Exit 5	Manch	Logan*	TOTAL	% Growth v. Previous Yr
Jan-11	5,714	7,333	9,918	3,652	2,128	26,617	6.3%
Feb-11	5,894	6,903	10,244	3,798	2,721	26,839	11.6%
Mar-11	7,107	9,013	12,576	4,544	3,152	33,240	16.0%
Apr-11	7,197	7,397	12,644	4,699	3,735	31,937	14.6%
May-11	7,167	7,636	12,193	4,416	3,281	31,412	16.7%
Jun-11	7,613	8,038	12,910	4,852	3,238	33,413	14.2%
Jul-11	7,446	6,707	12,441	2,383	3,242	28,977	3.9%
Aug-11	7,810	7,799	13,128	2,114	3,094	30,851	6.6%
Sep-11	7,457	7,267	12,131	2,011	2,771	28,866	3.3%
Oct-11	7,424	6,933	12,574	2,176	2,919	29,107	0.5%
Nov-11	7,363	6,757	12,268	2,053	2,900	28,441	2.0%
Dec-11	6,650	6,643	11,697	1,674	2,754	26,664	-1.2%
Jan-12	7,100	6,880	11,738	1,688	2,621	27,406	3.0%
Feb-12	7,316	6,536	11,799	1,626	2,943	27,277	1.6%
Mar-12	8,297	6,901	13,556	1,788	3,836	30,542	-8.1%
Apr-12	8,474	6,395	14,325	1,947	4,454	31,141	-2.5%
May-12	8,504	6,771	13,900	1,656	3,535	30,831	-1.8%
Jun-12	8,557	6,750	13,705	1,793	3,503	30,805	-7.8%
Jul-12	9,019	6,436	13,808	1,949	3,705	31,212	7.7%
Aug-12	9,105	7,170	13,988	1,893	3,606	32,156	4.2%
Sep-12	8,332	6,183	12,567	1,825	3,445	28,907	0.1%
Oct-12	8,949	6,667	13,452	1,781	3,498	30,849	6.0%
Nov-12	8,259	6,182	13,124	1,788	3,288	29,353	3.2%
Dec-12							

Month	Exit 2	Exit 4	Exit 5	Manch	Logan*	TOTAL
12 Oct YTD	91,912	72,871	145,962	19,734	38,434	330,479
11 Oct YTD	78,192	81,783	133,027	36,698	33,181	329,700
+/-	17.5%	-10.9%	9.7%	-46.2%	15.8%	0.2%

\* Logan numbers are not included in the Total sums as they are already accounted for in totals by location

Nashua						
Month	Exit 8	Exit 35	Manch	Logan*	TOTAL	% Growth v. Previous Yr
Jan-11	8,027	2,415	-	1,773	10,442	1.9%
Feb-11	7,837	2,813	-	2,027	10,650	2.4%
Mar-11	10,081	3,495	-	2,678	13,576	14.8%
Apr-11	9,657	3,043	-	2,555	12,700	7.2%
May-11	10,158	3,362	-	2,594	13,520	16.2%
Jun-11	10,409	3,864	-	2,551	14,273	14.0%
Jul-11	10,670	3,501	1,836	2,791	16,007	28.9%
Aug-11	10,784	3,729	1,913	2,724	16,426	31.1%
Sep-11	9,579	3,521	1,753	2,301	14,853	32.5%
Oct-11	9,731	3,538	1,825	2,263	15,094	30.6%
Nov-11	9,777	3,311	1,750	2,177	14,838	29.2%
Dec-11	9,252	3,389	1,642	2,299	14,283	26.7%
Jan-12	9,032	3,386	1,574	1,964	13,992	34.0%
Feb-12	9,143	3,142	1,603	2,302	13,888	30.4%
Mar-12	10,049	3,652	1,864	2,739	15,565	14.7%
Apr-12	10,959	3,768	1,867	3,139	16,594	30.7%
May-12	10,647	3,940	1,920	2,507	16,507	22.1%
Jun-12	10,892	4,018	2,076	2,571	16,986	19.0%
Jul-12	11,321	4,082	2,162	2,982	17,565	9.7%
Aug-12	11,085	4,537	2,237	3,115	17,859	8.7%
Sep-12	9,454	3,809	2,078	2,395	15,341	3.3%
Oct-12	9,856	4,082	1,922	2,557	15,860	5.1%
Nov-12	9,779	3,901	2,001	2,362	15,681	5.7%
Dec-12						

Month	Exit 8	Exit 35	Manch	Logan*	TOTAL
12 Oct YTD	112,217	42,317	21,304	28,633	175,838
11 Oct YTD	106,710	36,592	9,077	26,434	152,379
+/-	5.2%	15.6%	-	8.3%	15.4%

Manchester schedules split on 7/3/2011

BX Total						
Month	All Terms	% Growth v. Pre				
Jan-11	37,059	5.0%				
Feb-11	37,489	8.8%				
Mar-11	46,816	15.7%				
Apr-11	44,637	12.4%				
May-11	44,932	16.6%				
Jun-11	47,686	14.1%				
Jul-11	44,984	11.6%				
Aug-11	47,277	14.0%				
Sep-11	43,719	11.6%				
Oct-11	44,201	9.1%				
Nov-11	43,279	10.0%				
Dec-11	40,947	7.0%				
Jan-12	41,398	11.7%				
Feb-12	41,165	9.8%				
Mar-12	46,107	-1.5%				
Apr-12	47,735	6.9%				
May-12	47,338	5.4%				
Jun-12	47,791	0.2%				
Jul-12	48,777	8.4%				
Aug-12	50,015	5.8%				
Sep-12	44,248	1.2%				
Oct-12	46,709	5.7%				
Nov-12	45,034	4.1%				
Dec-12						

Month	All Terms
12 Oct YTD	506,317
11 Oct YTD	482,079
+/-	5.0%

# **Appendix G**

*Town of Atkinson  
Board of Selectmen  
Meeting Minutes  
January 23, 2012*

W. Friel made a motion to open an Open Meeting on Monday, January 23, 2012 at 7:11pm. Second: C. Schuster. 3/0/0.

F. Childs made a motion to open a Non-Public session on Monday, January 23, 2012 at 7:12pm under RSA 91-A:3 II. (b). Second: C. Schuster. Vote: F. Childs – yes, W. Friel – yes, C. Schuster - yes.

W. Friel opened a Public Hearing on Monday, January 23, 2012 at 7:45pm in the Atkinson Town Hall and led all present in the Pledge of Allegiance.

**Members Present:**

F. Childs, Jr  
W. Friel, Chairman  
C. Schuster

**Others Present:**

B. Clark, Chairman, Train Committee  
B. Innes, Town Administrator

**Non-money non-planning articles:**

Mr. Innes read the following warrant articles out loud:

Article Number:	Title:
Article 2012-5	Authorization for Special Meeting on Defeat of Collective Bargaining Agreement
Article 2012-7	Disabled Exemption
Article 2012-8	Establish Capital Improvement Committee
Article 2012-12	Town Forest – Pettengill Parcel
Article 2012-13	Conservation Commission Membership
Article 2012-26	Repurpose the Cable Capital Reserve Fund
Article 2012-30	Heritage Commission (by petition)
Article 2012-31	Legal Expenses (by petition)
Article 2012-32	Meetings Posting (by petition)
Article 2012-33	Property Assessment Methods (by petition)
Article 2012-34	Elderly Affairs Program (by petition)

F. Childs made a motion to close the Public Hearing on Monday, January 23, 2011 at 7:52pm and to go into a Regular Meeting. Second: C. Schuster. 3/0/0.

**Approval of Minutes:**

*1/16/12 – Regular Minutes*

F. Childs made a motion to approve the minutes from Regular Meeting 1/16/12 as corrected. Second: C. Schuster. 3/0/0.

**Appointment:**

*Part time Intelligence Research Specialist for PD*

C. Schuster made a motion to appoint Juan Valerio as a part-time Intelligence Research Specialist, pay to come from the Police Department's Part-time budget line (A/C #20101.110.02). Second: F. Childs. 3/0/0.

## **Appearances:**

### ***Robert Clark – Direction for the Rail Road Committee***

Mr. Clark, Chairman of the Commuter Rail Investigatory Committee, appeared before the Board of Selectmen to request the Board to allow the committee to enlighten and educate residents by mailing a ten point list of reasons to oppose the layover yard. Mr. Clark confirmed with the Selectmen there has been no communication between the Towns of Plaistow and Atkinson yet pointed out that Plaistow is well on the move to establish a layover yard. Mr. Clark submitted a list of over 169 names of concerned Atkinson residents opposed to the site and went on to point out one particular resident, Audrey Peck, who has recently gathered over 100 names of Plaistow residents who not only oppose a layover yard, but question the need for a train station all together. Mr. Clark has also submitted a 20 page report outlining the project and the concerns of the Committee Members. Mr. Friel will speak to Town Counsel on the legalities of meeting the Rail Road Committee's request and will get back to the Committee next week.

## **Old Business:**

### ***Acceptance of Personnel Handbook***

Topic moved for next week. Board did not receive the Handbook. Mr. Innes will ask Ms. Snicer to resend the Personnel Handbook electronically with a hard copy to Mr. Childs.

### ***Close Transfer Station***

**F. Childs made a motion to close the transfer station from January 27<sup>th</sup> through March 15th. Second: W. Friel. 2/0/1. Mr. Schuster is against this motion.**

### ***Complaint Procedure***

Mr. Innes has not started this project yet.

### ***Purchasing Procedure***

60% complete.

### ***5% Budget Cuts***

Mr. Innes needs more info from Sandra

### ***Complaint Letter to the Eagle Tribune***

Mr. Schuster has completed the complaint letter to the Eagle Tribune regarding incorrect facts printed about the Town of Atkinson even after Mr. Childs spoke to reporter C. Hogan. Mr. Innes will put on letterhead.

**C. Schuster made a motion to issue a complaint letter to the Eagle Tribune concerning incorrect facts written up by Journalist C. Hogan even after Mr. Childs clarified things with her. Second: F. Childs. 3/0/0.**

### ***Cell Phone Policy***

Mr. Innes explained there is a Cell Phone Policy within the IT policy. Mr. Innes went on to explain he will be adding to the policy a clause to prohibit the use of both personal and town-owned cell phones by Town Employees when driving on Town business.

## **New Business:**

### ***Release Malloy Properties Letter of Credit***

**F. Childs made a motion to authorize the Treasurer to release the balance of the November 2, 2009, Irrevocable Letter of Credit. Second: C. Schuster. 3/0/0.**

**Planning Board – Wording Update to Regulations**

The Planning Board has submitted a memo to the Board of Selectmen asking they adopt the following amendments to the Water Supply and Sewage Disposal Regulations in order to bring it into line with current terminology:

*Section 310 General Regulations: Replace the terms “New Hampshire Water Supply and Pollution Control Commission” and the abbreviations “NHWSPCD” and “WSPCD” with “New Hampshire Department of Environmental Services” or the abbreviation, “DES” in all subparagraphs of the Section, specifically: WS310:1, 310:2, 310:4, 310:5a, 310:6g, 310:7a and b, 310:8b.2, 310:9a.3.a, 310:9d.1 and 7*

**W. Friel made a motion to support the Planning Board and authorize changes as requested. Second: F. Childs. 3/0/0.**

***Approval to send warrant to town’s folk and cover letter from Selectmen***

Mr. Innes explained he and Ms. Snicer are looking for approval to send out warrant articles in a pamphlet to residents. The cost will be \$1,300 which should be mailed out the week before the Deliberative Session. The Board did not agree to use an outside vendor for \$1,300 was the costly way to go.

**F. Childs made a motion to print 200 books in-house and make available for residents to pick up at the Library, Community Center, and the Town Hall. The book should also be posted on the website as well as advertised on channel 20. Second: C. Schuster. 3/0/0.**

**Future Agenda:**

1/25/12 – Open candidates filing 8:30am – Town Clerk’s Regular Hours – SAU #55 – Regular Hours (8:30am – 4pm)

1/27/12 – Annual Report Bids due 12Noon

1/30/12 – Pose Warrant and Budget

2/3/12 – Close candidates’ filing period – 5pm Town Clerk’s office/SAU #55

2/4/12 – Deliberative session – 10am – Dyke Auditorium, Atkinson Academy

2/9/12 – TRSD Deliberative session – performing arts center – 7pm

3/13/12 – Town Meeting (voting) Atkinson Community Center – 7am – 8Pm

**F. Childs made a motion to adjourn the Regular Meeting of January 23, 2012 at 8:23pm. Second: C. Schuster. 3/0/0.**

Respectfully Submitted,  
Amanda Lueders

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William Friel, Chairman

Fred Childs, Jr

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Craig Schuster

# **Appendix H**

# **EagleTribune.com, North Andover, MA**

*March 14, 2012*

## **Plaistow Town Results**

—

SELECTMAN, 3 YEARS, VOTE FOR TWO

Joyce C.Ingerson 446

Ben Sadewicz 373

Michelle Lee Curran 551

Daniel J. Poliquin 635

BUDGET COMMITTEE, 3 YEARS, VOTE FOR FOUR

Ben Sadewicz 769

Gayle Hamel 795

BUDGET COMMITTEE, 2 YEARS, VOTE FOR TWO

Barry W. Weymouth 748

Anthony E. Ricco 744

BUDGET COMMITTEE, 1 YEAR, VOTE FOR ONE

W. David Gerns Sr. 826

PLANNING BOARD, 3 YEARS, VOTE FOR ONE

Gennifer Silva 845

MODERATOR, 2 YEARS, VOTE FOR ONE

Steven Ranlett 504

Robert O. Harb 553

LIBRARY TRUSTEE, 3 YEARS, VOTE FOR TWO

Kathy Wright 825

Catherine Willis 795

TREASURER, 1 YEAR, VOTE FOR ONE

Pat Macomber 842

CONFLICT OF INTEREST, 3 YEARS, VOTE FOR TWO

Therese A. Chouinard 823

CONFLICT OF INTEREST, 2 YEARS, VOTE FOR TWO

No candidates

AUDITOR, 1 YEAR, VOTE FOR TWO

No candidates

TRUSTEES OF THE TRUST FUND, 3 YEARS, VOTE FOR ONE

B. Jill Senter 845

TRUSTEES OF THE TRUST FUND, 2 YEARS, VOTE FOR ONE

No candidates

TAX COLLECTOR, 3 YEARS, VOTE FOR ONE

Rosemarie L. Bayek 942

SUPERVISOR OF THE VOTER CHECKLIST, 6 YEARS, VOTE FOR ONE

Nancy J. Jackman 904

SUPERVISOR OF THE VOTER CHECKLIST, 1 YEAR, VOTE FOR ONE

Polly Huard 838

OPERATING BUDGET

Article P-12-02: Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant article and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the

purposes set forth therein, totaling (\$7,602,156) SEVEN MILLION, SIX HUNDRED TWO THOUSAND ONE HUNDRED FIFTY-SIX DOLLARS. Should this article be defeated, the operating budget shall be (\$7,637,021) SEVEN MILLION SIX HUNDRED THIRTY-SEVEN THOUSAND TWENTY-ONE DOLLARS which is the same as last year, with certain adjustments required by previous action of the Town or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.

(Recommended by the Board of Selectmen (5-0-0) and Budget Committee (7-0-0)).

Yes: 913

No: 210

#### HIGHWAY DEPARTMENT EQUIPMENT CAPITAL RESERVE FUND DEPOSIT

Article P-12-03: Shall the Town vote to raise and appropriate the sum of \$81,000 to be added to the existing Highway Department Equipment Capital Reserve Fund? If this article fails, article P-12-04 is null and void.

(Recommended by the Board of Selectmen (5-0-0) and Budget Committee (10-0-0); and this funding is in the Capital Improvement Program as approved by the Planning Board.)

[Intent: To continue to set aside money for future purchases of Highway Department vehicles. Putting funds aside each year will allow for the orderly replacement of highway vehicles by leveling the yearly tax impact. This money can only be spent by a future vote at Town Meeting. These funds will be invested in an interest bearing account.]

Balance of this Capital Reserve Fund is \$91,695.45 as of December 31, 2011.

Yes: 702

No: 438

#### REPLACEMENT OF THE HIGHWAY DEPARTMENT'S 2004 F-550 FORD DUMP TRUCK

Article P-12-04: Shall the Town vote to raise and appropriate the sum of \$110,000 for a new piece of equipment for the Highway Department and to withdraw those funds from the Highway Department Equipment Capital Reserve Fund for this purpose? This article is contingent on the passage of Article P-12-03.

Appropriation: \$110,000

Withdrawal from Highway Department Capital Reserve: -\$110,000

Amount to be raised from 2012 taxes: \$0

(Recommended by the Board of Selectmen (5-0-0) and recommended by the Budget Committee (10-0-0); and this funding is in the Capital Improvement Program as approved by the Planning Board.)

[Intent: To replace the Highway Department's 2004 F-550 Ford Dump Truck. The new dump truck will be equipped with a salt/sander, wing plow and front plow. This is the vehicle utilized on a daily basis, year-round for all public work's activities. Funding for this item will be from the Highway Department Capital Reserve Fund created in 2006.]

Yes: 728

No: 417

#### ENGINEERING STUDY FOR THE REPLACEMENT OF THE WESTVILLE ROAD BRIDGE

Article P-12-05: Shall the Town vote to raise and appropriate the sum of \$85,000 for the engineering study phase services for the replacement of the Westville Road Bridge over the Little River (NHDOT Bridge No. 122/072), a Town-owned and maintained bridge. The Town will be reimbursed 80% (\$68,000) of the actual engineering costs by the New Hampshire Department of Transportation (NHDOT) through the NHDOT Municipal Managed Bridge Aid Program. The remaining 20% of the costs (\$17,000) shall be funded by the Town through taxation. This is a non-lapsing appropriation per RSA 32:7, VI.

Appropriation: \$85,000

NHDOT Bridge Aid Reimbursement: -\$68,000

Amount to be raised from 2012 taxes: \$17,000

(Recommended by the Board of Selectmen (5-0-0) and Budget Committee (10-0-0); and this funding is in the Capital Improvement Program as approved by the Planning Board.)

[Intent: The Town needs to complete an engineering study phase for the eventual replacement of the Westville Road Bridge over the Little River, including the possible realignment of this stretch of Westville Road. The Town has applied for the preliminary estimate work through the NHDOT Municipal Managed Bridge Aid Program.]

Yes: 715

No: 427

#### FIRE DEPARTMENT CAPITAL RESERVE FUND DEPOSIT

Article P-12-06: Shall the Town vote to raise and appropriate the sum of \$105,000 to be added to the existing Fire Department Capital Reserve Fund? If this article fails, then article P-12-07 is null and void.

(Recommended by the Board of Selectmen (5-0-0) and Budget Committee (10-0-0); and this funding is in the Capital Improvement Program as approved by the Planning Board.)

[Intent: To continue to set aside money for future purchases of Fire Department vehicles. Putting funds aside each year will allow for orderly replacement of fire vehicles by leveling the yearly tax impact. This money can only be spent by a future vote at Town meeting. This money is invested in an interest bearing account.]

Balance of this Capital Reserve Fund is \$310,057.96 as of December 31, 2011.

Yes: 737

No: 402

#### FIRE DEPARTMENT - REPLACE ENGINE 7

Article P-12-07: Shall the town vote to raise and appropriate the sum of \$405,000 for the replacement of Engine 7 and to withdraw those funds from the Fire Department Equipment Capital Reserve Fund and the Public Safety Impact Fee (Fire Apparatus Sub-allocation) Fund for this purpose? This article is contingent on the passage of Article P-12-06.

Appropriation: \$405,000

Withdrawal from Public Safety Impact Fee (Fire Apparatus Sub-allocation) - \$3,211

Withdrawal from Fire Department Capital Reserve: -\$401,789

Amount to be raised from 2012 taxes: \$0

(Recommended by the Board of Selectmen (5-0-0) and recommended by the Budget Committee (10-0-0); and this funding is in the Capital Improvement Program as approved by the Planning Board.)

[Intent: This piece of apparatus has been in service since 1987 and is due for retirement from the department. The Fire Department Truck Committee has been working over the last year to specify a replacement that will combine the functions of both Engine-7 and Rescue-6 affording greater flexibility in their emergency responses. "Zeroing out" the apparatus sub-allocation of the Public Safety Impact Fee is also necessary due to the length of time these funds are allowed to be held by statute (6 years)].

Yes: 808

No: 354

#### FIRE DEPARTMENT FULL-TIME STAFF POSITION

Article P-12-08: Shall the Town vote to raise and appropriate the sum of \$48,500 to establish an additional fulltime Firefighter/Emergency Medical Technician (EMT) position with the Fire Department. This sum represents the cost of wages, associated roll up costs (such as taxes, insurance, retirement and uniforms). With an anticipated hire date of May, this represents eight months of funding for the new position. If approved, the position will be funded on an annual basis within the Operating Budget of the Fire Department starting in 2013.

(Recommended by the Board of Selectmen (5-0-0) and Budget Committee (10-0-0); and this funding is in the Capital Improvement Program as approved by the Planning Board.)

[Intent: To add an additional fulltime Firefighter/EMT position to the Plaistow Fire Department. Current staff includes the Fire Chief and 2 Firefighter/EMTs. Since the initial hiring of the 2 Firefighter/EMTs in 2001, the calls for service have increased by approximately 40%. In addition, the changing demographics of the Town leave fewer members available in the day time to respond to calls. The Town has also seen significant growth in the commercial sector adding to the existing inspectional activities of the Department. With recent approvals for three (3) over-55 housing projects, projected to add an additional 200 units, to be constructed in Town in the near term, an additional increase in the overall calls for service is anticipated. It is estimated that a full year of this position, including wages of \$18.00/hour, taxes and benefits would be approximately \$72,500.]

Yes: 725

No: 441

#### BUILDING SYSTEMS CAPITAL RESERVE FUND DEPOSIT

Article P-12-09: Shall the Town vote to raise and appropriate the sum of \$10,000 to be added to the existing Building Systems Reserve Fund?

(Recommended by the Board of Selectmen (4-1-0) and Budget Committee (10-0-0); and this funding is in the Capital Improvement Program as approved by the Planning Board.)

[Intent: To replace funds spent in 2011 for emergency maintenance or repairs to Town-owned buildings and to continue to set aside money for future repairs of building systems in Town owned properties. Buildings are one of the Town's largest capital assets and these funds are used to maintain and repair systems such as heating and ventilation, electrical and plumbing. Monies from this fund would be used for repairs that are unanticipated prior to Town Meeting and that cannot wait until a future meeting. This money can only be spent with the approval of the Board of Selectmen. The money in this Capital Reserve Fund is invested in an interest bearing account.]

Balance of this Capital Reserve Fund is \$11,082.36 as of December 31, 2011.

Yes: 711

No: 435

#### CELL TOWER MAINTENANCE CAPITAL RESERVE FUND DEPOSIT

Article P-12-10: Shall the Town vote to raise and appropriate the sum of \$20,000 to be added to the existing Cell Tower Maintenance Capital Reserve Fund?

(Recommended by the Board of Selectmen (5-0-0) and Budget Committee (10-0-0); and this funding is in the Capital Improvement Program as approved by the Planning Board.)

[Intent: The 2008 SFC Engineering Partnership, Inc. Water Tower Assessment Study indicated that the structure is beginning to rust. With moderate maintenance, it is estimated the structure will remain useful for approximately 30 years and will generate over \$3,750,000 in revenue for the Town. Annual revenue from the Cell Tower is over \$125,000, which goes into the General Fund to offset taxes. The multi-year maintenance plan is estimated to cost between \$200,000 and \$300,000 over the next 30 years as outlined in the 2008 SFC Engineering Report. The money in this Capital Reserve Fund is invested in an interest bearing account.]

Balance of this Capital Reserve Fund is \$18,206.72 as of December 31, 2011.

Yes: 787

No: 336

#### WATER DEPARTMENT - FIRE SUPPRESSION PUMP AND PUMP HOUSE CAPITAL RESERVE FUND

Article P-12-11: Shall the Town vote to raise and appropriate the sum of \$70,000 to be added to the existing Fire Suppression Pump and Pump House Capital Reserve Fund for the purpose of replacing the Fire Protection System Pumps and the Pump House they are contained in?

(Recommended by the Board of Selectmen (5-0-0) and Budget Committee (10-0-0); and this funding is in the Capital Improvement Program as approved by the Planning Board.)

[Intent: To replace the Pumps for the Fire Protection System and the Pump House they are located in. The building that houses the pump that distributes the water for the Fire Suppression/Protection System must be replaced at the same time that the pumps are replaced. The replacement is scheduled for 2015 at an estimated cost of \$200,000 for the pumps and \$150,000 for the Pump House, totaling \$350,000. The money in this Capital Reserve Fund will be invested in an interest bearing account.]

Balance of this Capital Reserve Fund is \$128,826.51 as of December 31, 2011.

Yes: 707

No: 416

#### CONSERVATION FUND DEPOSIT

Article P-12-12: Shall the Town vote to raise and appropriate the sum of \$5,000 to be deposited into the existing Conservation Fund as provided for in RSA 36-A?

(Recommended by the Board of Selectmen (5-0-0) and by the Budget Committee (10-0-0); and the project is in the Capital Improvement Plan as approved by the Planning Board.)

[Intent: To provide additional funding to the Plaistow Conservation Fund to allow for the purchase of land, easements, and/or other land rights to preserve the natural and cultural features such as streams, rivers, prime agricultural land, valuable woodlands, quality viewscapes, wetlands and other valuable open areas. These funds will be invested in an interest bearing account.]

Balance of the Conservation Fund is \$59,881.09 as of December 31, 2011.

Balance of the Forestry Fund is \$26,992.77 as of December 31, 2011.

Yes: 655

No: 467

#### IMPROVEMENTS AT INGALLS TERRACE (SMITH) RECREATION FACILITY

Article P-12-13: Shall the Town vote to raise and appropriate the sum of \$20,000 for safety improvements at Ingalls Terrace (Smith) Recreation Field?

(Recommended by the Board of Selectmen (5-0-0) and Budget Committee (10-0-0); and this funding is in the Capital Improvement Program as approved by the Planning Board.)

[Intent: This project includes necessary upgrades to ensure safety of the play-scape and the fencing. This will include replacement of the surface under the playground with a recyclable safe surface (in place of the sand), and the replacement of some damaged fencing.]

Yes: 575

No: 563

#### PAVILION AT THE OLD COUNTY ROAD RECREATION (PARC) FACILITY

Article P-12-14: Shall the Town vote to raise and appropriate the sum of \$150,000 for the engineering, materials and construction of a Pavilion at the Old County Road Recreation (PARC) Facility?

(Recommended by the Board of Selectmen (5-0-0) and Budget Committee (8-2-0); and this funding is in the Capital Improvement Program as approved by the Planning Board.)

[Intent: This project involves the construction of a Pavilion to meet the critical need for shelter for the Town's summer recreation program being held at this site and will save the Town approximately \$5,000 currently being spent annually on tent rentals. This Pavilion will also allow for the year-round use of a variety of events and functions such as Old Home Day, youth sport programs, concerts, and any other Town sponsored events. The total cost of \$150,000 will include the engineering, materials and construction phases of the new Pavilion.]

Yes: 408

No: 729

#### RAISE FOR THE TAX COLLECTOR

Article P-12-15: Shall the Town vote to raise and appropriate the sum of \$700.25 for the 9 month cost of increasing the salary of the Tax Collector. This sum represents the wages and associated roll-up costs (\$601.34 for Wages and \$98.92 for SS, Medicare and NHRS). The breakdown is as follows:

2011 Current Salary: \$26,726

+ Proposed Increase (9 months) \$601.34

2012 Total Wages\*: \$27,327

{\*The 2013 Wages with a full 12 months will be \$27,528}

(Recommended by the Board of Selectmen (5-0-0) and Budget Committee (9-0-0)).

[Intent: The Tax Collector position has not had an increase in salary since 2008. The full annual impact (12 months) is \$933.67. The breakdown is \$801.78 salary and an additional \$131.89 to cover the Town's payment for Social Security, Retirement and Medicare.]

Yes: 717

No: 452

#### RAISE FOR THE TOWN CLERK

Article P-12-16: Shall the Town vote to raise and appropriate the sum of \$1,015.38 for the 9 month cost of increasing the salary of the Town Clerk. This sum represents the wages and associated roll-up costs (\$871.94 for Wages and \$143.43 for SS, Medicare and NHRS). The breakdown is as follows:

2011 Current Salary: \$38,753

+ Proposed Increase (9 months) \$ 871.94

2012 Total Wages\*: \$39,625

{\*The 2013 Wages with a full 12 months will be \$39,916}

(Recommended by the Board of Selectmen (5-0-0) and Budget Committee (9-0-0)).

[Intent: The Plaistow Town Clerk is the lowest paid Town Clerk in the State of NH for towns with a population of 5,000 - 9,000. The Town Clerk position has not had an increase in salary since 2008.

The full annual impact is \$1,353.84. The breakdown is \$1,162.59 salary and an additional \$191.25 to cover the Town's payment for Social Security, Retirement and Medicare.]

Yes: 694

No: 476

#### Article P-12-17: CITIZEN'S PETITION:

##### Elderly Exemption:

Pursuant to RSA 72-39-b Shall we modify the net income exemptions from the single net income of \$35,000 to \$38,000 and the married net income from \$50,000 to \$53,000.

##### Disabled Exemption:

Pursuant to RSA 72-37-b Shall we modify the net income exemptions from the single net income of \$35,000 to \$38,000 and the married net income from \$50,000 to \$53,000.

(Recommended by the Board of Selectmen (5-0-0) and Budget Committee (9-0-0).

Yes: 831

No: 297

#### Article P-12-18: CITIZEN'S PETITION:

Do you agree with this petition that you do not want a layover station anywhere in Plaistow?

¬Yes 619

¬No 308

¬Need more information 227

(Recommended by the Board of Selectmen (5-0-0).

[Intent: The intent of this petition is to give a voice to the Plaistow Voters.]

#### ZONING AMENDMENT

Article P-12-19: Are you in favor of the adoption of an amendment as proposed by the Planning Board to the Plaistow Zoning Ordinance, by modifying Article II, Definitions, ¬β 220-2, Definitions, as follows:

Replace the existing definition of STRUCTURE with the following new definition:

**STRUCTURE:** Anything assembled or constructed, the use of which requires location on or in the ground or an attachment to an object located on or in the ground. This includes structures assembled or constructed of plastic, fabric and/or canvas covered frame structures, structures for agricultural uses, structures installed on skids, blocks or permanent foundations and all sheds and storage facilities. All structures shall require a building permit. Further clarification follows:

- A). Fences and single mast flag poles shall not be considered structures.
- C). Stone walls when used to define property boundaries shall not be considered structures.
- D). Free standing signs shall be considered structures but are exempt from setback requirements.

(Intent: To better clarify the definition of a structure.)

Yes: 554

No: 501

#### ZONING AMENDMENT

Article P-12-20: Are you in favor of the adoption of an amendment as proposed by the Planning Board to the Plaistow Zoning Ordinance, by modifying Article II, Definitions,  $\neg\beta$  220-2, Definitions, as follows:

Add a new definition for Bed and Breakfast facilities as follows:

**BED AND BREAKFAST FACILITY:** See ROOMING AND BOARDING HOUSE.

(Intent: To provide a definition for Bed and Breakfast Facility as there presently is none and to classify them as commercial.)

Yes: 696

No: 356

#### ZONING AMENDMENT

Article P-12-21: Are you in favor of the adoption of an amendment as proposed by the Planning Board to the Plaistow Zoning Ordinance, by modifying Article II, Definitions,  $\neg\beta$  220-2, Definitions, as follows:

Modifying the definition for Rooming and Boarding House as follows:

**ROOMING AND BOARDING HOUSE** — A building other than a hotel or motel where lodging is provided for compensation without individual cooking facilities. These will be considered commercial uses.

(Intent: To classify Rooming and Boarding Houses as commercial.)

Yes: 668

No: 373

## ZONING AMENDMENT

Article P-12-22: Are you in favor of the adoption of an amendment as proposed by the Planning Board to the Plaistow Zoning Ordinance, by modifying Article V, Establishment of Districts and District Regulations, § 220-32, District Objectives and land use controls, Table 220-32C, "CII" - Commercial II as follows:

Add a new permitted use in paragraph B, Permitted Uses, as follows:

### 8.1 Rooming and Boarding House

(Intent: To allow for Rooming and Boarding Houses in the CII District.)

## ZONING AMENDMENT

Article P-12-23: Are you in favor of the adoption of an amendment as proposed by the Planning Board to the Plaistow Zoning Ordinance, by modifying Article V, Establishment of Districts and District Regulations, § 220-32, District Objectives and land use controls, Table 220-32D, "VC" - Village Center as follows:

Add a new permitted use in paragraph B, Permitted Uses, as follows:

### 9. Rooming and Boarding House

(Intent: To allow for Rooming and Boarding Houses in the Village Center District.)

Yes: 466

No: 560

## ZONING AMENDMENT

Article P-12-24: Are you in favor of the adoption of an amendment as proposed by the Planning Board to the Plaistow Zoning Ordinance, by modifying Article V, Establishment of Districts and District Regulations, § 220-32, District Objectives and land use controls, Table 220-32G, "ICR" - Integrated Commercial Residential as follows:

Add a new permitted use in paragraph B(1) Permitted Commercial uses as follows:

(k) Rooming and Boarding House

(Intent: To allow for Rooming and Boarding Houses in the Integrated Commercial Residential District.)

Yes: 508

No: 518

#### ZONING AMENDMENT

Article P-12-25: Are you in favor of the adoption of an amendment as proposed by the Planning Board to the Plaistow Zoning Ordinance, by modifying Article V, Establishment of Districts and District Regulations,  $\neg\beta$  220-32, District Objectives and land use controls, Table 220-32C, "CII" - Commercial II as follows:

Add a new permitted use in paragraph B, Permitted Uses, as follows:

10. Mixed commercial/residential uses where the work place or the residence must be owner occupied.

(Intent: To allow mixed uses in all of the Commercial II District with the restriction that either the commercial or the residential use must be owner occupied.)

Yes: 693

No: 359

#### ZONING AMENDMENT

Article P-12-26: Are you in favor of the adoption of an amendment as proposed by the Planning Board to the Plaistow Zoning Ordinance, Article III, General Provisions,  $\neg\beta$ 220-7., Letter A by removing it.

(Intent: To make Plaistow's Zoning conform to new State law that prohibits towns from mandating the merger of substandard lots.)

Yes: 747

No: 275

#### ZONING AMENDMENT

Article P-12-27: Are you in favor of the adoption of an amendment as proposed by the Planning Board to the Plaistow Zoning Ordinance, Article IX, signs, §B220-58., All Districts, by adding a letter D. as follows:

All free standing signs are required to have a street address that includes the street name and number and that is a minimum of six inches for signs for commercial uses in the CI and ICR Districts and a minimum of three inches for signs for residential uses in all Districts. The space required for the address portion of the sign shall not be counted as part of the required sign size.

(Intent: To allow for the proper identification of businesses by public safety officials and the public.)

Yes: 728

No: 318

#### ZONING AMENDMENT

Article P-12-28: Are you in favor of the adoption of an amendment as proposed by the Planning Board to the Plaistow Zoning Ordinance, Article V, Establishment of Districts and District Regulations, Table 220-32G, "ICR" - Integrated Commercial-Residential District, B. Uses, by moving (i) Churches, and (j) Cemetery/Burial site and mausoleum from the Permitted Residential Uses to the Permitted Commercial/Industrial Uses.

(Intent: To properly classify churches and cemeteries as commercial uses.)

Yes: 573

No: 460

#### ZONING AMENDMENT

Article P-12-29: Are you in favor of the adoption of an amendment as proposed by the Planning Board to the Plaistow Zoning Ordinance, Article V, Establishment of Districts and District Regulations, Table 220-32B "CI" - commercial I, to rezone all of Tax Map 27, Lot 55 to all commercial I. (Chart Parcel with frontage on Route 125).

(Intent: To make this parcel consistent with the Commercial I Zone which includes the entire parcel of properties abutting Route 125). Yes: 646

No: 388